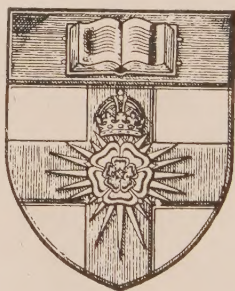


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THE SURVEYORS' INSTITUTION.

(INCORPORATED BY ROYAL CHARTER.)

TRANSACTIONS.

VOL. XIV.

SESSION 1881-82.

LONDON :

PUBLISHED AT THE INSTITUTION,
12, GREAT GEORGE STREET, WESTMINSTER, S.W.

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NOTE.



This Institution does not, as a body, hold itself responsible for statements made or opinions expressed, either in the Papers read or in the discussions which have occurred, at the Meetings.

The Surgeons' Institution,

(INCORPORATED BY ROYAL CHARTER)

12, GREAT GEORGE STREET,

WESTMINSTER, S.W.

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JOHN WORNHAM PENFOLD

Secretary.

JULIAN C. ROGERS.

*Fellows and Associates receive, fortnightly, copies of the Sessional Papers,
and of all current publications of the Institution.*

The Surveyors' Institution

(INCORPORATED BY ROYAL CHARTER)

Is established—

1. To secure the advancement and facilitate the acquisition of that knowledge which constitutes the profession of a Surveyor, viz.—the art of determining the value of all descriptions of landed and house property, and of the various interests therein; the practice of managing and developing estates; and the science of ad-measuring and delineating the physical features of the earth.
2. To promote the general interests of the profession, and to maintain and extend its usefulness for the public advantage.

THE INSTITUTION consists of four classes, viz.—FELLOWS, PROFESSIONAL ASSOCIATES, ASSOCIATES, and HONORARY MEMBERS, with a class of STUDENTS attached.

*A FELLOW must be more than twenty-five years of age and have acquired a practical knowledge of surveying in one or other of its branches as above defined, and so practised on his own account for more than five years; or be a member of a firm of Surveyors established upwards of ten years; or in partnership with a Surveyor of ten years' standing. Fellows have the right to use the letters F.S.I. after their names.

*A PROFESSIONAL ASSOCIATE must be more than twenty-one years of age, a Surveyor by profession, in practice on his own account or employed as an Assistant in a Surveyor's Office or qualified for the class by having passed the Students' Proficiency Examination. Professional Associates have the right to use the letters P.A.S.I. after their names.

AN ASSOCIATE must be more than twenty-one years of age, not necessarily a Surveyor by profession, but his pursuits

** These qualifications for Fellows and Professional Associates will be sufficient until the provisions of the new Charter, relating to the Examination of these classes, come into operation.*

must be such as to qualify him to concur with Surveyors in the advancement of professional knowledge.

AN HONORARY MEMBER must be a person who, either by reason of his position or his eminence in science and experience, may be enabled to render assistance in promoting the objects of the Institution, but who is not engaged in practice as a Surveyor in Great Britain or Ireland. He has the privilege of being present and taking part at all Ordinary General Meetings, and of access to the Library, but no right of voting, discussing, or otherwise interfering in the affairs of the Institution; nor is he called on to contribute to its funds.

STUDENTS (who must not be under eighteen years of age) qualify as such by passing the Students' Preliminary Examination. Candidates for Studentship who can produce a Certificate of having passed the Matriculation Examination of the University of Oxford, Cambridge, London, or any other University in the United Kingdom, or who have passed, with Honours, the Senior Local Examination of the University of Oxford or Cambridge, are exempted from this Examination, and may be admitted by the Council on the recommendation (according to a form) of four Fellows and two Associates, or of the Fellow or Associate to whom they are or have been articulated; but it is obligatory on all Students to undergo the Proficiency Examination at the close of their Student course, at the time and under the conditions applying in each particular case under the Rules of Examination.

The Council may accord to Students such privileges, subject to such terms, regulations, and restrictions, as they shall from time to time prescribe.

Any person desirous of being admitted into the Institution (excepting to the class of Students) must be proposed and recommended according to a form, in which the full name, place of business (if any), usual residence, and qualifications of the candidate must be distinctly specified. This form must be subscribed by him, and signed by at least six Fellows or four Fellows and two Associates, certifying a personal knowledge of the candidate.

The proposal so made, being delivered to the Secretary, will be submitted to the Council, who, on approving the qualifications will determine the class for which the candidate is to be presented for ballot at an Ordinary General Meeting of Fellows and Associates.

The following are the rates of contribution to the funds :—

	Annual Subscription.				Admission Fee.		
	£	s.	d.		£	s.	d.
<i>Student</i>	1	1	0	.	—		
<i>Associate</i>	2	2	0	.	3	3	0
<i>Professional Associate</i>	2	2	0	.	3	3	0
<i>Fellow</i>	3	3	0	.	5	5	0

No person can become a Member (other than an Honorary Member) of the Institution, before the commencement of the New By-Laws, unless and until he pays as his first Subscription to the Institution, in the case of becoming a Fellow of the Institution, the sum of Eight Guineas, and in the case of becoming an Associate of the Institution, the sum of Five Guineas.

All Fellows and Associates are required, within twelve months after their election, to deliver to the Council an original Paper on some subject connected with the profession, or to make a donation to the Library or Collection.

The affairs of the Institution are under the management of a Council, which is elected annually, consisting of a President, four Vice-Presidents, twelve Fellows, and two Associates. Besides the above, the Past-Presidents, and the President or Chairman of any local Association in alliance with this Institution, are Members of the Council *ex-officio*.

The Session of the Institution commences annually on the second Monday in November, and continues to the end of May. The Ordinary General Meetings are held on every alternate Monday during the Session. At these Meetings original communications are read on some professional subject, and their merits fully and freely discussed. Every Fellow and Associate has the privilege of introducing one visitor to these Meetings. Fellows and Associates are entitled to a copy of any printed publication issued by the Institution after their admission.

THE OPENING ADDRESS
BY
EDWARD RYDE, PRESIDENT,
AT THE ORDINARY GENERAL MEETING OF
THE SURVEYORS' INSTITUTION,
NOVEMBER 14TH, 1881.

I THANK the Members of the Institution for the great honour which they have done me in re-electing me as their PRESIDENT. I regard it as an assurance that my endeavours to promote the welfare of the Institution, to maintain its high character, and to extend its usefulness, have not been altogether unsuccessful. Those endeavours on my part have been most loyally and cordially seconded by the best efforts of the VICE-PRESIDENTS, the Members of the Council, and the Officers of the Institution, and every word which I used on the occasion of my former election as to the position and condition of the Institution may be repeated now with the utmost possible confidence, everything concerning its position and its influence being in a most satisfactory condition. I also feel that there exists on all hands a firm resolve to carry out, as fully and effectually as possible, the objects of the Institution.

I must not fail to remind the Members, in all humility, that the position to which they so kindly elected me was that of PRESIDENT of "The Institution of Surveyors." But Her Most Gracious Majesty the QUEEN has, in the exercise of her Royal Prerogative, on the advice of her Privy Council, appointed me by Royal Charter the first PRESIDENT of "THE SURVEYORS' INSTITUTION." I assure you that

I accept with pride the honour of that position, with the fullest appreciation of its responsibilities, and I do not for a moment forget that it arises from no merit or special efforts of my own that I am in that position.

It so happened that I was born at the right period, articulated at the right date, and have laboured with sufficient industry for the exact length of time necessary to put me, accidentally, in the way of receiving your suffrages as PRESIDENT in the very year in which Her Majesty has been pleased to incorporate our Institution by Royal Charter. It is a position I have long desired to see the Institution occupy, and the honour bestowed upon it and our profession is, in my opinion, a very valuable one.

That we have succeeded in obtaining a Charter is therefore, in my judgment, a matter for congratulation to all of us, more especially as we have been informed that much more caution is exercised now than formerly in granting Charters, and it is only in exceptional instances that applications for them are attended with success.

A copy of the Charter has been forwarded to each Member of the Institution as a part of the "Transactions;" and I may direct attention to the fact that not only has an alteration been made in the name of the Institution, but the designation of the Members has also been changed. Instead of two principal classes of Members as hitherto—that is to say, Members and Associates—there will now be three classes. Those who have been hitherto styled Members will in future be denominated Fellows; and Professional Associates will be separated from ordinary Associates. Fellows are entitled by the Charter to add to their names the initial letters F.S.I.; Professional Associates, the letters P.A.S.I. Professional Associates are those Members of our own profession who in due course may become Fellows; Associates, those friends—members of the bar and the

legal and other professions, with whom we are so pleased to be associated—who have the means of promoting the interests of the Institution, although they cannot become Fellows of it. Moreover, there will be this further distinction between the two classes: after a period of three years from the date of the Charter, no one can become a Professional Associate unless he submits to and passes a qualifying examination; after ten years from the same date, no one can become a Fellow unless he passes an examination, except under very special circumstances in respect of which the Council have a limited dispensing power.

The balance-sheet of the Institution of Surveyors, struck at the date of the Charter, and which will be published in due course, shows an estate of upwards of £10,000 passing to the new body—a financial result which, considered with reference to the few years the Institution has been in existence, may fairly be called most satisfactory.

The scheme of technical education is believed to have been of very material assistance to us in obtaining our Charter. I have always been an ardent advocate of the extension of education; but I am bound to say that I approached the consideration of the question as applied to the admission of Members to this Institution with much caution and reflection. That I did so is the more satisfactory to me now that I have formed a mature judgment that the course which the Council finally adopted, and which they have now to carry out under the Charter, will be conducive of much good to the profession. The subject of education generally is a very extensive one: its consideration and development have become very popular and almost universal, and no profession can safely refuse to give it attention.

As showing to some extent the direction in which general opinion is running in connection with this subject,

I may mention that the International Committee of the Surveyors of Europe, sitting as a Congress in Paris, in 1879, discussed, among other questions, the desirability of requesting the respective Governments of the several countries represented at that Congress, to institute by compulsory enactment that every Surveyor should take out a diploma (after the manner of the Surgeons and Apothecaries of England) previous to being permitted to practise.

The English Deputation to this Congress was of opinion that its own Legislature would not be likely to interfere in favour of a profession, at the instance of such profession, without some special demand on the part of the public. They further urged that, after all, too much importance must not be attached to the possession of such a diploma, inasmuch as the real qualifications of a Surveyor could only be acquired after years of experience, coupled with integrity, perseverance, and intelligence. Hence, it constantly happened that Surveyors of large experience were taken from one part of England to another on account of the special qualifications which they possess—a distinction which the possession of a diploma acquired in early life could not command. That in no professions in England, except those of law and medicine, was any compulsory examination required, except as before mentioned. This was to be accounted for or explained in the case of medicine by the fact that the consequences of incompetency might involve questions of life and death; and the same might be said with respect to the legal profession in connection with criminal law. That the same rule applied in the cases already referred to of Surveyors appointed under the London Building Act, where infringements of the law relating to the construction of buildings might lead to fatal consequences. In the case of other professions, incompetency generally merely resulted in pecuniary loss, which, it was assumed, might have been

guarded against by a careful selection, but that the English Deputation was, nevertheless, prepared to vote in favour of a diploma, which they could understand was probably more needed in France than in England, owing to the compulsory subdivision of property at the death of the owner, and the consequent necessity for a numerous class of Surveyors of ascertained skill, whose services should be within reach of everybody.

I cannot do better than refer to the very excellent speech made by our much-respected first Associate of Council, Mr. J. H. LLOYD, at the first Meeting of the Institution of Surveyors, which speech will be found reported in Vol. I. of our "Transactions," at page 14. I cannot describe to you the advantages of our Institution in words so happily put together as those which were then used by Mr. LLOYD, and all I can say is that any Member of the Institution who has not read that speech would, I think, find pleasure in doing so. Taking that speech as my model, and pointing to the Charter which we have obtained as the result of the labours of the Institution down to the present time, I think I may fairly assume that the effect of the Charter has been to transform our Institution from a private Society into a Public Body, having a fixed and well-settled constitution, with Bye-laws which cannot be altered without the previous approval of the Privy Council.

Although it is not made compulsory, for a period defined in the Charter, for a Surveyor to pass an examination prior to his election as a Professional Associate, it is open to the Council to frame Rules so as to enable him to submit himself for examination at once; and in the same way the admission of Fellows may be facilitated. It is satisfactory to find that a considerable number of young men are availing themselves of the educational clauses of the Charter. Many have already

joined the Student class, and many others are preparing to do so. They see the advantages which a certificate so obtained will give them over others who do not possess it, and the use which it will be to them in establishing themselves in life, whether they look to get appointments or clerkships in the offices of others, or to start in practice on their own account. To employers, moreover, the advantage of the certificate will be most useful as a distinguishing mark between those who have been brought up to the profession and those who have not.

If I am asked what I consider to be the best course of education for a Surveyor, I may reply that I consider any of the subjects which are contained in the educational course of the Institution desirable; but it is impossible for any one man to qualify himself for practice in every branch of the profession. A Surveyor and Land-Agent should have a thoroughly practical knowledge of agriculture, including a knowledge of agricultural chemistry and geology. He should also make himself a good accountant and bookkeeper. He should possess a knowledge of measuring land and making maps, a knowledge of timber and the art of measuring it, and above all things he should acquire, in as practical a manner as possible, a knowledge of the best systems of managing estates.

The recent depression in agriculture, and the troubles which have befallen the landed interest generally, in recent times, have rendered this last qualification more important than ever. However much the practice of agriculture may have been retarded, recent difficulties have shown more than ever the necessity for the services of skilled Land-Agents. It has been very much the custom during the last quarter of a century to assume that estates can be managed by gentlemen who have not had suitable previous training. That seems to me to be a state of things which must now be

brought to an end. A Land-Agent responsible for the management of a large property must be able to determine by his own experience the exact amount of rent which a farmer can afford to pay under every circumstance which can arise. Moreover, the complaints of a tenant must, on the one hand, have proper attention, and, where necessary, must be met by relief or remedial measures; on the other hand, if every complaint of a tenant is to result in a reduction of rent, or some other advantage to the tenant, and disadvantage to the landlord, it will soon be found that there will be universal complaints, and that the owners' interests will suffer. Again, an agent must be able to discriminate between a beneficial expenditure of capital and one which is not beneficial. On some estates it may be very advantageous to expend large sums of money in rebuilding farm buildings: on others it may be a great waste of money: as, for example, in the case of land near London or any other great centre of population, which, after a few years from the present time, will become building land.

If a Surveyor has intended to devote himself more especially to the business of a Building-Surveyor, or, in provincial towns, to that of an Architect and Surveyor, he will, of course, turn his attention more particularly to the valuation of buildings and building lands in town than to agriculture and the management of country estates. Some knowledge of architecture, however, will be useful to a Surveyor in any branch of practice; but I am now assuming that my Address is made to Surveyors, and that Architects, strictly speaking, are without the limits of our Institution.

I can hardly omit, in an Address from this Chair, some mention of an event so important in relation to the interests of land as the passing of the Irish Land Act.

That Act is now in operation, and it is probably a very different measure from that which was expected

when I addressed you at this time last year. Practically, the "peasant proprietor" has departed from the scene, and emigration is not materially encouraged or assisted. Fixity of tenure has been boldly carried out; fair rents are being defined or interpreted by the Commissioners, and the right of free sale has been fully accorded to Irish tenants. But, as I said last year, it is exceedingly difficult for an English Land-Surveyor to understand the Irish land question, and he is not in the least assisted in the task by watching its working. What appeared to be desired and required was relief to the agricultural tenant, and it is just that relief which it is difficult for an English Land-Surveyor to discover in the working of the Act. It may be said that the Irish tenant has got complete fixity of tenure, for he has, perhaps, got tenure in perpetuity, inasmuch as it is very likely that, under the Act, a landlord could not displace a tenant without paying him nearly as much money as the property is worth.

On the other hand, the Act does not enable a needy, indolent, or incompetent tenant to get a living upon his farm. If he has to pay even a low rent, he must so cultivate his land as to make it produce a fair remuneration for himself, beyond the "fair" rent which he has to pay his landlord. He does not appear to be much better off than he was under the old system of free contract. The operation of the Courts, so far as can be judged from the business which has yet been transacted by them, is to materially reduce the tenant's rent, say to the extent of 25 or 30 per cent. But, again, an English Land-Surveyor cannot see what material advantage that is to the tenant. The holdings in Ireland where distress really prevails are usually so small, and the poverty of the tenant so great, that, even if the whole of the rent were taken off, it would be absolutely impossible for the tenant to live upon his holding.

The question really is whether the ordinary effect upon the value of landed property arising out of the pressure of demand over supply is to continue ; or whether, unlike all other property, legislation is to step in and say that beyond a certain point land should not possess a value. To apply such a rule as this to property, say in London, would, indeed, create a novel state of things. Property in the heart of the City, which now realizes as many pounds per square foot as some landed property in the country realizes shillings per acre, will at once afford an illustration that the principle must be erroneous ; and it is a great question whether, quite apart from property, any real benefit to anyone can arise from the application of a false or unnatural law. If, under free contract, rents of lands had been forced up to such a price as to make it impossible for a tenant to cultivate them at a profit, in the ordinary course of things those tenants must have thrown up their holdings, and a better class of tenants would have come forward to take the land, who would only give the fair rent which the land was calculated to bear. It is no worse for an Irish tenant of land to be attached to his holding than it was for the old coachmen to be attached to the stage coaches which they used to drive. The time came in their case when their occupation ceased to be profitable, they had to be swept away and go to other occupations ; and it probably would have been the kindest thing possible to have shown the poverty-stricken Irish tenants that their very best interests would have been promoted by their emigrating to other countries, where land in abundance could be had at very moderate rentals, leaving Irish land for the occupation of a better class of tenants.

The effect of the Act upon land subject to leases has yet to be ascertained ; but it seems very impolitic to disturb a written contract. Take, as an illustration, the land in New

Oxford Street. When that street was made, the land was let to builders who erected upon it the houses which now stand there. Those builders took building leases, and agreed to pay fixed ground-rents. The street was not a success; the houses when built would not let at remunerative rents, and eventually I believe it became necessary, in order to get them tenanted, to accept a rent for the house and land in some cases not in excess of, and in others only a little in excess of, the ground-rents. In that case the lessees lost nearly the whole of the money which they had spent upon the houses, yet it would have been a monstrous thing to say that on that account they should be relieved from their contracts, and that the owners of the land should bear all the loss. It often happens that houses built under exactly similar circumstances turn out to be of great value, and very large profits are made by the builders who erect them: but nobody would dream, in those cases, of saying that the builders should give up the profit to the owners of the land.

There remains the privilege of free sale. It is difficult to understand what advantage that is, except to a present tenant, or even to him unless he is going to alter his occupation in life. If he is to remain a farmer, it will be of little use for him to sell his interest in one farm to acquire another farm by the purchase of some other interest therein. Indeed, if his own interest was a very beneficial one, there would be the chances that that which he would acquire would not be so good as that which he had sold, although he might have to give as much money for it. But, if both interests were equally good, he would only have reinstated himself as he was before, and would be neither better nor worse off. A tenant who is now without occupation purchasing an interest in a farm might just as well have paid a high rent under the old system of free contract as pay a

low rent under the Land Act and have to find sufficient capital to purchase the tenant's interest. In all probability, under the system of low rents, but with the purchased tenant's interest, he would really sit at a higher rent than he would have under the system of free contract.

In very many cases it may happen that a tenant who wishes to sell his interest in a farm is indebted to creditors and to his landlord in a larger sum than his interest will command in the market; and it is very difficult to see how such a tenant is to be materially benefitted by the working of the Act. An incoming tenant, under the new system, will have to lock up an amount of capital which, under free contract, he would have been able to use in working his farm. I need scarcely remind the Members of this Institution that this system of locking up a tenant's capital on his entry upon a farm is one which has been frequently deprecated in discussions which have taken place in this room. What is known as the "Surrey custom" is nothing more nor less than a sale of tenant-right by an outgoing to an incoming tenant, and the "Transactions" of this Institution will show the opinion of some of the most experienced Members upon that question. It is not too much to say that, during the last forty years, strenuous and successful efforts have been made in England to free land from encumbrance and make dealings in it as free as possible, and it seems as though this Irish legislation was in an exactly opposite direction. It is thought by some that the demand for land in Ireland was so great that it was not safe to leave the fixing of the rent to the landlord and tenant without legislative restriction, because the tenants would be compelled to pay a higher rent than the land was worth or than they could afford to pay by its cultivation. But here again is a difficulty which one cannot understand,—the legislation only restricts the landlord's rent. That

is what is to be judicially determined. The amount which the tenant is to pay in meal or in malt is in no way fixed—that is to say, he has to pay the judicial rent, but he has in addition to buy his interest in the farm of the outgoing tenant at the highest price which it will command in the market. Under these circumstances, the regulation of the tenant's obligation is left as open as it ever was, as it is clear that the lower the rent the higher is the value of the tenant's interest; and if there is a hunger for land in Ireland which renders it unsafe to leave the rent to the ordinary laws of supply and demand, that hunger will tend as much to increase the price of the goodwill as it formerly did of the rent.

The effect of this legislation upon the fee-simple value of land in Ireland must be very great; it deprives the Irish landowner directly of a portion of his rent, and it prevents him from effecting a sale of his property, for it can hardly be supposed that English capital will any longer be attracted to Ireland in the purchase of land; and as to the advancing of English capital upon mortgage, it seems impossible to conceive it. At all events, it seems to me that it would be very difficult for a Surveyor to advise as to what amount could be so lent, and one of the decisions of the Sub-Commissioners seems to throw the whole matter into great confusion. As reported in the *Times* of the 7th instant, Mr. COMMISSIONER BALDWIN, sitting in Belfast, said, in delivering judgment, that, “in determining the rent “we have not set up any standard of what the farming “ought to be. We have taken the estate, tenants and all, “as we find them. We have carefully considered the “capabilities of the land in the hands of the present tenant; “to others the land may be more valuable, if those tenants “were removed. With any speculation as to that we have “nothing to do.” It is probable that this judgment will be

upset on appeal ; but, if it is not, it will be at once understood by the Members of this Institution that no Surveyor could make a valuation upon which he could safely recommend an advance of money upon mortgage or the purchase of such an estate. It is only for a tenant to be indolent, incompetent, and slovenly, to ensure the fixing of a low rent upon his property.

The expenses of working out the Act, quite apart from the uncertainty of the decisions of the Court, will be such a charge upon landlord and tenant as to go far to counterbalance the reduction of rent which the tenant will obtain ; and if that is the case, neither the tenants nor the landlords will get much benefit from the working of the Act. However, this is not a Paper upon the Irish Land Act, nor is the present a discussion upon it, and, therefore, I do not propose to pursue the matter any further. I should not have said so much about it if I did not feel that the effect of this legislation upon the value of English land must be very material. Already the farmers in England and Scotland are being advised that some Land Act is necessary for their relief and benefit ; but it is not so much that phase of the matter which tends to depreciate the value of land in England as the fact that it has been found possible for an English House of Commons to pass a measure which shall interfere with the free negotiation for the purchase or sale or hiring of landed property, when coupled with the depression which has so long been felt in English agriculture. The acquisition of freehold agricultural land is not deemed so desirable an investment as it has hitherto been considered to be.

Referring to that agricultural depression, I was in great hopes during the summer that it would be within my power on this occasion to express my belief that we had seen the worst, and that things were on the mend. I still think that

I may confidently say so, notwithstanding that in various parts of England the harvest, or rather the weather during harvest, has been very unfavourable. I hope and believe that the calamitous state of things which is to be found in some of the midland counties of England, does not prevail all over the country. The harvest has, undoubtedly, been in most places a tedious and an expensive one; but I have great hope that the crops of wheat and barley are on the whole quite as large as an average, and that in many parts of England they have been harvested with much less damage than is generally supposed. I believe that the wheat crop in many parts of England has been housed without very serious damage, and that the barley crop, where it was tied up, has not received the injury which some farmers think it has sustained. Where the barley was mown, and lay on the ground through a good deal of the bad weather which prevailed, no doubt great damage was done; but that damage was not universal. The crop of hay is much below an average in point of quantity, but on the whole it has been well got, and is consequently very much better in quality than any hay which we have had for several years.

The turnip crop seems, as a rule, to have been a failure. There are very few swedes or turnips in any part of England, but the mangold and other root crops are good, although the individual roots are not so large as they were last year. Upon the whole, there seems great reason to hope that the prospects of English agriculture are improving, and that, with a return of the ordinary seasons and average weather, the English farmers will recover from the succession of blows inflicted upon them during the last five or six years. They are no doubt heavily weighted, and especially are they now deficient in the matter of tenant's capital, which has been so largely diminished; but with industry, fair weather, and

reasonable assistance from the landlords, it is to be hoped that matters will right themselves. One thing seems to be quite certain—viz., that the English farmer, like all other commercial men in England, must rely very largely upon self-help, and not upon legislation.

A farmer who has not got a farm and desires to take one, having sufficient capital, may have a greater selection now than he has ever had before. If he require fixity of tenure, there is no difficulty whatever in his getting a lease, and if he require security for improvements, he may even in that matter at the present time make almost his own terms. Of course, both sides of the question must be regarded. Everything must be fair to the landlord as well as to the tenant, and it will be very much more easy and much more satisfactory to obtain that fair result by open contract than by attempting to do so by the hard and fast terms of a legislative enactment.

It has become very popular to regard the interest of the landowner apart from that of the tenant, and, in some of the public utterances which have been made in the provinces, the tenant-farmers have been told that the abolition of tithes, the alteration of the incidence of taxation—that is to say, the shifting of the elementary education rate, the highway rate, the police rate, and other similar taxes, from real property to the Imperial Exchequer,—would be only a means of presenting the landowners of England with the amount of such rates, because it is said that the rent which a tenant pays to a landlord is always regulated by the amount of taxation to which the land is subjected.

This is no doubt perfectly correct. The total outgoings of a tenant in respect of rent and rates are always regulated by the productive quality of the land—that is to say, the total amount which the land would bear as rent, if there were no rates and taxes to pay, is always reduced in

fixing the fair rent by the amount of taxation and burthens. But in making such a statement as this, it is entirely forgotten that the land at the present time is over-burthened, and that what is wanted is some relief to it which will enable the landlord to reduce the rent to a point at which the tenant can live ; and the remedial measure which is required is one, not for the benefit of the tenant, whose interest must always be determined according to circumstances, but for the benefit of the landlord, to enable him to accept from the tenant that more moderate rent which the circumstances of the present day require. If, therefore, landlords and tenants would work together in the promotion of their common interest, and would demand, as they most reasonably might, that the elementary education rate, which is made for the benefit of all alike, should be paid as well by the fundholder as by the landowner ; that the highway rates, which are also for the benefit of all parties, should in the same way be defrayed out of the Imperial Exchequer ; and that the police rate, which at all events is a rate levied for the benefit of everybody, should in like manner be borne by the public at large, they would find that their chances of success would be much promoted, and that they would be much better off than by agitating for compulsory legislation as regards the tenure of land and the terms of its holding ; and that a much more beneficial result would follow.

In addressing you at this time last year, I suggested that the time had arrived when the tithe rent-charge might be redeemed or wiped away, and I pointed out that the plan which had been adopted with regard to the tithe rent-charge in Ireland might be beneficially adopted in England without injury to anyone, and to the great benefit of the landed interest. At that time I had no idea that Mr. **INDERWICK** was about to promote a discussion in Parliament respecting "extraordinary tithes" upon land. It is

not to be regretted that the question has been brought forward in Parliament, but it would be cause for regret if an imperfect measure should be passed. If it be right to abolish the "extraordinary tithe rent-charge" it is right to abolish all tithe rent-charge. It does not seem to be quite understood that there is no difference in principle between the "ordinary" rent-charge and the "extraordinary" rent-charge. It arose at the time of the commutation in this way: the amount of the ordinary tithe rent-charge was to be the average amount of tithe which had been received by the tithe-owner during the seven previous years, and it was fixed at the average price of corn during that seven years, because it was deemed more equitable that the tithe-owner should receive the equivalent to the value of the corn in preference to a fixed sum, and this average rent-charge would have embraced all tithes but for the fact that certain crops, *e.g.*, hops, fruit, &c., were only liable to be charged with tithe in the year in which they were cultivated.

If lands which had never before grown hops or fruit were brought into cultivation under the old system, the tithe-holder got his tithe. If they were not brought into such cultivation, he did not get his tithe. In fixing a tithe rent-charge, which should fairly be equivalent to the tithe itself, these irregular payments could not be overlooked, and one of two courses had to be taken: either an estimate had to be made of future prospects and commuted into a present charge payable in perpetuity, or an "extraordinary" charge upon such description of crops only should be made and become payable when the crops were obtained. But this circumstance does not make it desirable to abolish tithe rent-charge of one description more than another. Land cannot in any event be too free from encumbrance, and therefore it must be a desirable thing to abolish any charge upon land, especially if it can be shown that it is possible to

benefit the landowner, without in any way causing injury to other people.

The plan which I suggested a year ago, and which I still recommend, is this: that the Government should lend to the landowners the exact amount of money required to redeem the tithe rent-charge at 25 years' purchase; that they should charge for this money 4 per cent., notwithstanding the fact that they can borrow it at 3 per cent.; and that the difference of 1 per cent. should be put by as a sinking fund to accumulate at compound interest until the principal has been repaid. This would occupy a period of about 42 years. The landowners in the meantime would pay to the Government exactly the same amount as interest as they would have paid to the tithe-owner in rent-charge, and at the end of the 42 years they would have no further payment to make. There would be this little disturbing element: that tithe rent-charge fluctuates according to the price of corn, while the amount paid to the Government as interest would be a fixed sum; but it would be very easy to devise machinery for fixing the exact amount of purchase-money for the redemption of the tithes in the event of disagreement, and thus this slight difficulty would be removed. There would be another disturbing element: in some cases of vicarial tithe, where the tithe-owner is the incumbent of an ecclesiastical parish, some provision would be necessary to place him in as good a position without his rent-charge as he now is with it; and that would be a difficulty which ought not to be insuperable. In any event, the landed interest should endeavour to make any legislation in regard to the tithe rent-charge universal instead of partial, the time having come when such a redemption ought to take place.

There has been a foreshadowing of other alterations in connection with the Land Laws of England. It does not,

however, at the present time partake of any definite shape, and it is scarcely possible that any alteration affecting the ownership of land can to any material extent benefit the occupier of land. As long as 75 per cent. of the total area of the land in England is cultivated or otherwise accounted for as agricultural land, there is not much complaint to be made that the land of England does not produce its full amount of food for the people. With 7 million acres of corn, $5\frac{1}{4}$ million acres of green crops, $11\frac{1}{2}$ million acres of permanent grass land, and only $\frac{3}{4}$ of a million acres of uncropped or fallow land, and with the general appearance which to every practical man the land of the country presents, it is impossible to say that any fault is to be found with British agriculture. Of course, like all businesses, there are districts and places in which an improvement could take place, and at the present time, after the severe losses which farmers have suffered, much of the land is in a bad state of cultivation, but there can be but very little of it uncropped; and it is to be hoped that the aggregate area of land which is absolutely untenanted is only a small percentage of the $24\frac{1}{2}$ million acres over which the agriculture of England extends. In speaking of this acreage, I am excluding $2\frac{3}{4}$ million acres in Wales, and $4\frac{3}{4}$ million acres in Scotland.

The great disproportion of cultivated land in the latter country, to the total area, when compared with England, is of course to be accounted for by the large amount of common and waste land comprised within the mountainous districts of Scotland; the total area of Scotland being $19\frac{1}{2}$ million acres, while its cultivated area is only $4\frac{3}{4}$ million acres. In Wales the total area is $4\frac{3}{4}$ millions, while the cultivated area is only $2\frac{3}{4}$ million acres.

I feel that I have now detained you long enough. Permit me, in conclusion, to state, as I have often done before, that the success of this Institution depends very

largely upon the character of the Papers read and discussed at its Ordinary Meetings, and subsequently published in the "Transactions." We have never in the past found difficulty in procuring the assistance of gentlemen of position and influence in this matter, and many excellent Papers have been read upon an infinite variety of subjects. We have also had some very excellent Papers read and discussed, which have been written by the younger Members of the Institution. We have several Papers at the present time waiting the approval of the Council, but we shall be glad to have others upon practical subjects.

There are three such subjects to which I should like to direct special attention. The first is that of the Land Tax. Several of our Members have promised to write a Paper upon this subject, but down to the present time no such Paper has been forthcoming.

The second has reference to Land Surveying and Mapping. The great use which is now made of the Ordnance Maps has removed from among us the large staff of qualified assistants, whose business it used to be to survey land and make maps. This branch of our business is, therefore, in danger of being less understood in the future than it used to be. I shall be pleased, during the Session, to have such a Paper prepared and read for the information of our Student class.

The third question relates to the meaning of the expressions "gross estimated rental" and "rateable value," as employed for the purposes of local taxation. I assure the Members of the Institution that neither of these expressions is universally understood in the same sense; therefore, nothing but good could result from their discussion by qualified persons.

With these suggestions, I leave the matter in the hands of the Members with the confident expectation and belief

that we shall not want Papers of interest and value for discussion. Again, I beg leave to thank the Members for the position in which they have placed me to-night, and I believe that, in doing so, I may fairly congratulate them upon the prospects of the Institution and the Profession of which it has become the accredited representative. The profession of a Surveyor has always been regarded as a very honourable one ; its Members are entrusted with the expenditure of large sums of money, and with the settlement of very important interests, and although it is the custom of some to point to good old times, I am sanguine enough to think that the times in the future may be just as good as any which have passed.

The Surveyors never before had an Institution such as this, and never before possessed such educational advantages as are now within their reach. There never were in old days questions of such moment referred to the arbitration and decision of Surveyors as occur in the present day, and therefore I affirm confidently that if Surveyors will be but true to themselves and their profession, and will bring to the exercise of it, industry, integrity, and intelligence, with a sufficient amount of patience to wait until their ability can be known and appreciated, they are certain of success.

Mr. J. CLUTTON (Past President) said that as the first to occupy the Presidential Chair when the Institution was established in 1868, he felt particular pleasure in moving a vote of thanks to THE PRESIDENT on an occasion of such interest in the history of the Institution.

He was happy to see around him so many Members of the original Council, who must feel as he did, when they heard the figures quoted by THE PRESIDENT in the earlier part of his Address, that they had handed over a goodly heritage to the new body.

It was not the custom to discuss Presidential Addresses, or to take exception to any statements in them with which they might happen to disagree, and he would therefore content himself with the discharge of the duty he had risen to perform.

MR. T. SMITH-WOOLLEY (Vice-President) had the greatest possible pleasure in seconding the vote of thanks. To him, coming up from the country full of dismal anticipations as regards the future, it was a comfort to hear the prospects of agriculture described in such cheerful and hopeful terms. He was not perhaps prepared to endorse all that THE PRESIDENT had said, but he was sure that he was in thorough accord with the sense of the Meeting in saying that he was entitled to their best thanks for his excellent and interesting Address.

THE PRESIDENT, after acknowledging the vote of thanks, said, referring to the remarks of Mr. WOOLLEY, that he had recently traversed almost all parts of England, and could only repeat the expression of his belief that the general aspect of things had changed a good deal for the better. It was more hopeful than some seemed to think.

In conclusion, he would again urge upon the Members the importance of preparing Papers on practical subjects for publication in the "Transactions." There were many who were able to do the Institution good service in this direction, and in no other way could they so effectually promote its success and maintain its reputation.

He thanked them heartily for the manner in which they had received his Address.

The vote of thanks having been put and carried unanimously, the Meeting adjourned.

LAND LEGISLATION AND TENANTS' IMPROVEMENTS.

By E. P. SQUAREY (VICE-PRESIDENT).

*Read at the Ordinary General Meeting of THE SURVEYORS' INSTITUTION,
December 5th, 1881.*

THE PRESIDENT IN THE CHAIR.

THE object of this Paper is to consider in greater or less detail the measures, suggested with varying authority, which may be expected to bring about the renewed application of capital to the cultivation of land, and to secure on its investment such reasonable assurance of current profit and the eventual return of the principal as, having regard to the nature of the business and its surroundings, the investor will be content to accept.

It is scarcely possible to bring before you any new view of, or remedies for, the present status of landlords and tenants; the less so, after the most valuable contribution by Mr. CAIRD on this subject in his recent Paper read before the Statistical Society. It may be, however, that the discussion which will follow this Paper will induce an expression of opinion as to what is, and what is not, within the power of the Legislature to effect, to remedy, or at least to mitigate, a recurrence of the past and still existing depression.

In a Paper on "Farm Capital," contributed to the Royal Agricultural Society's Journal, 1878, I endeavoured to illustrate the proportion of capital, external to the cost and value of the land itself, provided by the landlord in the

shape of roads, farm buildings, house, fences, cottages, drainage, water supply, &c.; and by the tenant in the form of live stock and implements, cultivation, manuring, and maintenance of the freehold, which, united, form the medium for the development of the productive capacity of a farm.

The illustrations extend only to England and Wales, and, as my professional experience is limited to these parts of the United Kingdom, the following remarks are only to be so applied.

The details of that Paper will not be inflicted upon you, but the experience of eminent farmers and members of our profession is universal that it is only in rare cases that the tenant contributes more than the live stock, the cultivating and converting power, manuring, and administration of the land. The landlord, with scarcely any exception, provides, in greater or less degree, the other requirements for the conduct of the business.

It has long been felt, however, that with an improving and more costly management the common law right of a tenure determinable by six months' notice did not, and could not, secure the just interests of an enterprising tenant, even for good and cleanly management, and certainly not for liberal feeding of cattle on extraneous food, and the more or less liberal application of dressings, such as bones, chalk, lime, &c.

Leases for terms of years and tenant-right for unexhausted improvements (in some districts hardened into a legal custom, such as the Lincolnshire custom) protected the tenant where these existed; but through the length and breadth of the land there was an irresistible demand that Parliament should confer on the tenant the legal right to be paid for special and cleanly cultivation and liberal management in the latter part of his tenancy.

The Agricultural Holdings Act was the legislative outcome of this feeling, but, in deference to the indisposition to interfere with freedom of contract, the Act was made permissive only, and not compulsory. I need here do no more than refer to its guiding principle—that compensation is payable to the outgoing tenant for that proportion of his outlay of which it is assumed he has not received the full benefit.

This tedious review brings us down to the most recent suggestions for the adjustment of the relations between landlord and tenant, to satisfy these admitted requirements. The Session of 1880 disclosed the conclusion of land-owners and farmers that the Agricultural Holdings Act had failed to bring about the results aimed at.

With rare exceptions, all new tenancies had been freed from its application, and though the spirit of the Act was undoubtedly infused into all new or existing tenancies and indirect benefit had thus arisen, there was hesitation as to its adoption on the part of landlords, land-agents, and tenants, through doubts of the mode of procedure, and for other reasons which will be dwelt upon at length by the gentleman who follows me.

This conclusion resulted in the introduction of three Bills to amend the Agricultural Holdings Act, and one of an independent character, in the Session of 1880. The first, backed by Mr. CHAPLIN, Mr. PELL, and others; the second, by Mr. SAMUELSON, Mr. J. HOWARD, and others; the third, by Mr. STAVELY HILL and Mr. MONCKTON.

Fourth: The Agricultural Tenants' Compensation Bill, brought in by Sir T. D. ACLAND, Sir HARCOURT JOHNSTONE, and others.

All tended in the same direction, the more absolutely securing the tenant for outlays of which the incoming tenant would obtain much of the benefit, and for which it is obviously just that he should pay.

In all cases, except the fourth, this compensation was to be adjusted by the application of a fixed scale of proportion of expenditure, or by arbitration upon the basis of the proportion of the outlay not recouped by the outgoing tenant and insuring for the benefit of the incoming tenant. The fourth Bill takes as the basis of compensation, not any proportion of the tenants' outlay, *but the value of each item of compensation* to the incoming tenant.

I am thus particular in setting this out, as it is the first divergence from the formula of the Agricultural Holdings Act, and it is interesting to observe how the principle thus indicated is enlarged and developed in the yet more recent Bill propounded by the Farmers' Alliance, appearing in the public newspapers.

All these Bills represent great care, forethought, and endeavour to secure an admitted justice to the occupier and, as a natural consequence, to avoid the interval of degradation of production prior to the determination of the tenancy, and the restoration of fertility by the incoming tenant.

The Farmers' Alliance Bill develops the principle of compensation for the value of improvements to the incoming tenant to an extent far beyond the limits of the Agricultural Tenants' Compensation Bill, and makes the value of such improvements in the open market the test of compensation to the tenant, by whose industry, foresight, and capital they have been achieved.

No landlord, agent, or tenant can object to this truest of all tests of real value, assuming that it can be fairly arrived at. The landlord is asked for no contribution to the outgoing tenant; the incoming tenant makes his own offer, and must not thereafter complain if such offer is found to be beyond the true worth of what he has bought. It is the interest of the outgoing tenant to maintain a maximum

of fertility and cleanliness, to tempt the buyer to give the largest price, and thus lowered production in the transfer of tenancy is avoided.

But alas ! there are other sides to this pleasant arrangement.

The Alliance Bill confers the absolute right of the occupier to sell his interest in the tenancy to him who will give the best price for it, subject to the right of the landlord to exercise his option to become the purchaser on the same terms.

It may occur (indeed it certainly will occur in most cases) that the tenant's interest may include something more than the actual improvements effected by him. A moderate rent; few reservations by the landlord; liberal covenants as to management, repairs, &c. ; these may be of a nature which, apart from the tenant's improvements, confer an appreciable beneficial value on the tenancy, and while the landlord is willing to continue to an old tenant, so long as he is his tenant, these benefits, he would not unreasonably be indisposed to extend them to an outsider, who is to be selected simply because he is the highest bidder, and not from personal regard. On the other hand, it is conceivable in these times that a rental may be distinctly above the letting value, in which case the application of the principle of market value of improvements, as compensation, may involve the tenant in the loss of his interest in honestly-executed, sound improvements and cultivations, for which under a reasonable system of compensation, or under the Agricultural Holdings Act, he would be paid.

Hence, if the market value of improvements is to be the basis of compensation in the transfer of tenancy, the Farmers' Alliance is only logical, however unjust and confiscatory in application, in asking for a tribunal to determine and fix for seven years the future rent to be paid for a farm, so

as to protect the incoming tenant for the sum which, wisely or unwisely, he has paid for improvements.

It is unnecessary to remark on the injustice and direct departure from one of the leading principles of political economy involved in this interference with freedom of contract, nor need we criticise the constitution of the suggested tribunal—the County Court Judge and two assessors appointed by the Boards of Guardians of the unions in which the farms to be dealt with are situate.

I believe I am stating the unanimous and emphatic conclusions of this audience when I say that, anxious as they are to secure improved cultivation, increased production, and the most distinct recognition of compensation for tenant's improvements, they cannot support proposals which remit to any tribunal the settlement of rent between owner and occupier. Think for a moment on the thousand and one considerations that influence the tenant to offer and the landlord to accept terms in the shape of money, reservations, stipulations, and conditions that go to make up the bargain between them.

These subtle, varying, and necessary definitions and negotiations, which more or less perfectly result in securing the requirements of both parties, are to be set aside; and to secure what has been, and can be, perfectly attained by agreement and by the "higgling of the market," the endless errors and expenses incident to the adjustment of rent by such a tribunal are suggested as a remedy by the Farmers' Alliance.

Their Bill further contains stipulations that tithe rent-charge and three-fourths of parochial rates shall be paid by the landlords. As to the tithe rent-charge, little objection would probably be raised to the suggestion. It appears, however, to be inexpedient to weaken the interest which the occupier who holds, and may be expected to continue to

hold, the offices which control expenditure, has in the economical working of his parish and union rates. The object, no doubt, is to relieve the tenant of that unjust increment of taxation in the shape of education, highway, sanitary, police, and other rates which, during the past thirty years, have been unfairly contributed by the occupier as representing real property.

Its amount is probably over-estimated, but the keen sense of its unjust incidence has been aggravated by the unhappy physical conditions which have lately clouded our prosperity. The injustice of saddling real property with past, and possibly future, charges of the character indicated, and which charges, under the usual conditions of tenancy, are paid by the tenant, may be met, so far as the tenant's interest is affected, by an agreement that all rates exceeding a usual and defined amount, say 2s. in the £, shall be borne by the landlord. This would lead the owners of real property, who have probably more legislative influence than farmers, to look closely after their own interest in contesting the imposition of further charges.

The law of distress, which confers exceptional privileges on the landlord, will doubtless be fully considered during the coming Session of Parliament. An almost general consensus of opinion would limit the power of distraint to the amount of one year's rent. This power by the landlord is usually regarded by the outside world as a feudal usance retained for the sole protection of his claims on his tenants. This may have been its origin, but its actual effect is to supplement the too frequently insufficient capital of the tenant by what is equivalent to one year's rent or more. It may be wise to limit the application of the power to one year's rent, but its absolute withdrawal will inflict a strain on the capital of the tenant, which may be difficult to meet or overcome. It has been suggested by my friend, Mr.

WHATMAN, that the absolute withdrawal of power to distrain will place the landlord in a worse position than an ordinary creditor. The landlord, unless by special agreement or reservation, can claim no rent until it is due. Capital is often advanced by friends or relations to a young man on entering a farm, and the ordinary trader sells to a farmer implements or stock; either creditor may get a judgment, or by collusion may clear off everything before the landlord is in a position to claim a sixpence, unless he has reserved or received his rent in advance. One of these courses he must adopt if the power of distraint is abolished.

This question, however, will form the subject of a special Paper, which will probaly be read early in the present Session, and I will not further anticipate the author's arguments.

What, then, is to be done in the direction of securing to the tenant all fair and reasonable compensation, without interference with freedom of contract or with the rights of the landowner?

After careful consideration, the principle disclosed in the Agricultural Tenants' Compensation Bill of 1880 appears to contain, with certain protecting conditions, a safe yet just solution of the difficulty.

It is proposed therein that the *value to the incoming tenant of cultivations, manurings, and consumption of extraneous food* shall be the basis of the compensation which the tenant is to receive, and that no claim shall arise for works which permanently improve the value of the freehold, unless, as under the Agricultural Holdings Act, the landlord, by himself or his agent, has authorized and concurred in the conditions of such improvement.

It is obvious that, under this basis of compensation, a much larger and more elastic power is remitted to the valuer than that which he exercises under a payment for specific

proportions of manures applied, feeding stuffs consumed, or tillages performed, under the present system.

Moreover, it is important that the condition of the land, its cleanliness or otherwise, the state of the fences, drains, ditches, roads, and finally the fulfilment, or otherwise, of the agreement as to repairs of buildings, shall be embraced in the duties of the valuer, and thus a more distinct assessment of the rights and liabilities of each party to the contract may be attained.

Without impugning the general honesty or ability of those of our profession to whom the duty of adjusting questions between outgoing tenants and landlords, or incoming tenants, is usually remitted, it may be expedient to secure the opportunity of the employment of persons skilled and competent in farming matters, who may be presumed to be completely independent of any bias, whether personal or local, in the discharge of their duties. To this end, I would ask consideration as to how far it may be desirable, in legislation in this direction, that the landlord or tenant should be able to obtain as sole arbitrator the services of thoroughly competent valuers to be appointed by the Inclosure Commissioners; or, if arbitrators appointed in the usual way fail to agree in the selection of an umpire, it should be competent for either of them to request the Inclosure Commissioners to appoint him. Surely the award of a skilled umpire, after hearing the statement of the arbitrators, and evidence, if necessary, supported by vouchers of expenditure, and a sufficient survey of the farm and premises, is likely to be true, just, and acceptable.

This is a strong proceeding, but appears to be justifiable, having regard to the larger scope and importance of the matters proposed to be submitted for decision.

These exceptional powers may be rarely exercised, but at least an equitable solution of unusual and difficult claims

of compensation and the adjustment of the tenant's liabilities in the direction of cleanly management and repairs would be open for adoption, instead of expensive litigation.

These remarks upon suggested legislation may not be concluded without some reference to the vexed question of settlement and entail. The existing absence of farming capital, and the admitted difficulty and cost to tenants for life of raising money to farm their unlet lands, appear to me to justify a large and immediate relaxation of the fetters of settlement and entail in this direction. Such a policy would probably prevent a degradation of rental to an undue and unreasonable extent; illustrations of this will rise to the mind of many of those whom I address.

The Paper read last Session by Mr. FREEMAN, and the subsequent elaborate discussion thereon, almost exhausts this subject, but it may be desirable that our conclusions as to the importance of this question to landowners and the public generally, should not be thought to include a belief that the position and prospects of tenant-farmers and farming are affected thereby, except in the most remote degree.

This Paper is to be followed by that of my friend, Mr. TUCKERT, who proposes, I believe, to deal specifically with the Agricultural Holdings Act as it is, and as it should be. I have omitted, therefore, any but a general allusion to the merits and defects of that measure.

THE CAUSE OF THE FAILURE OF THE AGRICULTURAL HOLDINGS ACT OF 1875,

AND THE

PRESENT AGITATION FOR PROTECTION FOR TENANTS' CAPITAL.

By PHILIP D. TUCKETT, FELLOW.

*Read at the Ordinary General Meeting of THE SURVEYORS' INSTITUTION,
December 5th, 1881.*

THE PRESIDENT IN THE CHAIR.

SINCE the Prime Minister, in his recent speech at Leeds, publicly announced that the capital of the tenant-farmer requires some further legislative protection, and implied that early legislation on the subject may be looked for, and since somewhat wild proposals on the subject are being energetically put forward by people of extreme views, or with little practical acquaintance with agricultural affairs, or possibly in some cases with private ends in view, it would seem an opportune moment for some of us who have experience of the real wants of the great mass of tenant-farmers, to discuss what are the grievances which they really feel and complain of, and in what way it is in the power of the Legislature to lessen them. I approach the subject with hesitation, knowing that it is by no means an easy one to deal with, the mutual relations and interests of landlords and tenants being so far from simple, and the

question being so complicated by the varying conditions of agriculture in different districts. But it so happens that since the passing of the Agricultural Holdings Act, and for years previously, I have acted as agent for a large number of small estates (no one of them reaching to £10,000 a year, and some of them little more than a single farm), widely scattered over 18 different counties, from Durham in the north, to Somersetshire and Devonshire in the west, and to Suffolk, Essex, and Kent in the east, and including a number of the midland counties where the recent distress has been so great, and that I have also as a Surveyor dealt with land in every county in England. I have thus perhaps been living in contact with and hearing the views of a greater *variety* of tenant-farmers in different districts, than may have been the case with most of those who now write so much on the subject; and having always taken pains to listen to and understand the wants of tenants, I think it may be useful to record some of the impressions I have received.

The losses and sufferings of the farming class have unfortunately been great; and, though for most of this the tenant-farmer blames only the bad seasons combined with foreign competition, I think there is no doubt that he *does* feel and express certain grievances and wish for certain changes; but I do not find that these changes by any means wholly correspond with those which are publicly advocated as in his name.

In the first place, I do not find that any real practical grievance is extensively felt in relation to restrictive clauses in agreements in reference to methods of farming, about which one sometimes hears so much. Some impracticable and unduly restrictive written agreements no doubt still exist, though they are far less common than they were; but I do not think they have much practical effect. Farmers

know perfectly well that such clauses can only create a claim to damages, and that damages cannot be recovered before a jury unless substantial damage has occurred, and they are not generally much influenced in their farming by matter of this sort inserted in an agreement. The only cases of real grievance of this kind which I have ever met with, have been those of a very few eccentric and domineering landowners, who have insisted on unduly interfering with the tenant's methods, not by enforcing covenants, but by giving notices to quit, when their wishes were not attended to. I do not see how such cases could be prevented without depriving such landlords of the management of their estates, and they are so exceptional as not seriously to affect the general community. Besides, this grievance has gone by, as it is now no longer possible for such landlords to retain tenants. I do not at all believe that the losses incurred in agriculture are, to any appreciable extent, due to any such restrictions on the course of cropping or the sale of produce.

Again, it is very rarely that I hear a tenant-farmer make any comment adverse to the law of distress, and I do not myself believe that the complaints against that law put forth in certain quarters, really emanate from the tenant-farmers as a class, but chiefly from the agricultural implement makers and other traders, who would like greater facilities for selling more of their goods on credit to farmers, than the latter can properly afford to buy.

I do not think farmers, as a rule, are now at all desirous of taking leases for long terms. Most of them have been rendered very cautious on that point by the difficulties into which those who have been holding long leases during the late bad seasons have fallen; whilst leases also have been somewhat discredited by the many cases in which they have been broken, and property privately made away with, or

threatened to be made away with, unless the landlord would agree to release the tenant.

We hear a great deal about security for tenants' capital laid out in buildings and in other permanent improvements. Unfortunately, I do not meet with any considerable class of tenant-farmers who have any disposition to make such improvements at their own expense. Probably it would be for the good of the country, if there were more such tenants; but we must deal with things as we find them, and what the country is now suffering from is the destruction of a very large percentage of the capital hitherto employed in stocking and cultivating the land, and the withdrawal from agriculture (through discouragement and fright) of a portion of the remainder; so that what is left is quite insufficient for the purpose of stocking and cultivating the whole of the land. Here is therefore, obviously, no fund which can be largely drawn upon for permanent improvements, and what appears to be urgently needed, in a national sense, at the present time, is to facilitate the outlay of landlords' capital, not only in permanent improvements, but in stocking and cultivating vacant farms. I think there can be little question that, looking to the future as well as to the past, the chances of permanent improvements being extensively made by landlords' capital, is much greater than of these being made extensively at the expense of tenants; and that if it be a matter of national importance to thus increase the produce of the country, it would be a very mistaken policy so to legislate for the encouragement of an outlay of capital by tenants, who have, as a class, none to spare, as to check such expenditure on the part of landlords, who in many cases, though of course not in all, are well able to raise it.

I suppose the proposal put forth by the Farmers' Alliance, to place the freehold property of *poor* English landlords pretty much at the mercy of two Guardians of the *Poor*, is

to be regarded rather as a grim joke than as a serious proposal, though it is inserted in what purports to be the draft of an Act of Parliament; but it is so difficult to prove the exact facts about every little permanent improvement years afterwards, especially when, as so often happens, a tenant has had the spending of some of his landlord's money, in connection perhaps with a little of his own, that, if any interference with the rights of property in that direction took place, there would be a great danger of stopping the present large total expenditure of landlord's capital, in order to encourage a much smaller total expenditure on the part of the tenant. Besides which, it must be in everyone's experience who has practised for 20 or 30 years as a land-agent, how unsatisfactory even draining, to say nothing of building, executed by tenant-farmers, even under a special tenant-right clause, often proves to be; and it seems scarcely desirable to specially promote the erection of shanty buildings and underdraining which fails within the first ten years, as I have often seen the case.

But although I do not believe tenant-farmers, as a class, are likely for a long time to come, to make extensive permanent improvements at their own cost, and are not, therefore, anxious about security for such, I can testify that there is amongst very many of them, a strong desire for adequate security for the capital which has to be expended in the proper conduct of their legitimate business, *i.e.*, the manuring and cultivation of their land. And where this is withheld, I believe there is often amongst them a strong sense of grievance, resulting in serious injury to the cultivation of the land. This object is fairly well secured by the Lincolnshire custom, which is generally approved; and it is also the object of the 2nd and 3rd Schedules of the Agricultural Holdings Act, which must be regarded as by far the most important part of the measure since the 1st

Schedule can only be applied by consent. This Act was so exhaustively discussed in this room at the time it was passed, that I may fairly assume a knowledge of its principal provisions on the part of this audience, and to recapitulate them might be wearisome.

Where the Lincolnshire custom, or some other similar arrangement, either by agreement or custom, prevails, I do not believe farmers feel any desire for further legislation in this direction; and those who think otherwise may be reminded of the history of the custom of Surrey. That custom gave to tenants a right to payment for various improvements and manurings executed in previous years, and it was found so oppressive, and so open to fraud, and especially so obnoxious to incoming tenants, that it was generally condemned, and many landlords found it necessary to extinguish it by a considerable money payment to the existing tenants, on account of the difficulty of finding satisfactory tenants to take their farms whilst it continued. It would be a strange sequel if something of the sort should be compulsorily and gratuitously presented to the present tenants.

The Lincolnshire tenant-right seems to be the fruit of the practical experience of the best-farmed district in England, and its great feature is that the things which are paid for are such as are susceptible of clear definition and proof, and really beneficial to the incomer.

Those who framed the Agricultural Holdings Act seem to me to have been much influenced by the Lincolnshire custom, and the Act has always appeared to me to be fairly and carefully drawn, to exhibit an intention of protecting the just rights of both parties, and its provisions to be such as neither landlord nor tenant need fear. Why, then, has it hitherto been a failure? That is a question to which I have never noticed that any satisfactory answer has been given in public, although we constantly hear it

stated that the Act has been a conspicuous failure, and we know, in our own practice, how seldom it is adopted. But I think I see clearly enough why it has been generally unpopular with those with whom I have acted, whether landlords or tenants. I attribute its want of success to no great matter of principle, but chiefly to its *Procedure Clauses*. People in general, and the agricultural classes in particular, dislike needless changes, especially changes that give them trouble, and it has always seemed to me, that it was a mistake to introduce a complete new machinery for tenant-right valuations, when there was no special need of it.

Tenant-right valuations are no novelty. Every tenant-farmer is accustomed to the appointment of valuers, and though such valuations may be in a sense voluntary, they are fully backed by authority, since there is always the possibility in the background of an appeal to the Courts, which would be sure to saddle the refractory party with costs.

If the Agricultural Holdings Act had confined itself to giving the parties a legal claim to compensation for the items enumerated therein, without going into the question of detail of how this was to be assessed, the same machinery which has hitherto sufficed for the Lincolnshire tenants, and for such acts of husbandry as nearly all tenants were already paid for, would surely have sufficed for the present, at any rate. I do not say it is the best possible machinery, or that the machinery provided by the Act was a very bad one; but the change proposed was small in practical effect and unnecessary, and it was (to say the least) inopportune to choose the moment when it was sought to introduce an improvement in principle, to needlessly complicate the success of the change, by introducing at the same time a new machinery which had no essential

connection with it. I know the effect this had in my own sphere. Tenant-farmers understood a valuation, but they were suspicious of the County Court, and of notices to be given within so many days, and of all such technicalities. Landlords and land-agents, who had already been at considerable trouble in preparing agreements containing express provisions for the appointment of valuers and umpires, were not inclined to go through the whole process again, and needlessly to pay the stamp duty over again, and they were puzzled at the complications which might arise if, on a change of tenancy, some claims had to be decided by an umpire appointed by a method prescribed by an agreement, and others by an umpire appointed by a County Court Judge. The simple remedy of contracting themselves out of the Act was open for a limited time only. It saved all further trouble, and of course they took it, and the tenants entirely concurred. The merits or demerits of the Act were hardly considered. These details quite escape the attention of newspaper writers and of draughtsmen of Acts of Parliaments, but yet they shape events.

Had the Act been simply declaratory of the presumptive rights of all tenants, in the absence of special agreements to the contrary, without this mischievous addition of a new procedure, I believe it would have been adopted in very many more cases than those in which it now has been, and I am inclined to think it would have gradually become the general rule.

Now, if my views on this matter are sound, it would relieve the Government of one pressing question, with comparatively little loss of the time of the Legislature, and at the same time, discarding the wild proposals of a small but demonstrative minority, satisfy the wants and real wishes of the bulk of the tenant-farmers, if they were simply to repeal the Procedure Clauses of the Agricultural Holdings Act, and (if the state of public opinion requires it) make the rest of

it compulsory. I myself have great doubts about the wisdom of limiting complete freedom of contract between adult and sane men. I believe such limitation is apt to result in unexpected subterfuges and abuses; and I think at the present time, of all others, there is no occasion whatever for such protection towards tenant-farmers, who just now have things very much their own way. But if this Act could be dissociated from its procedure, I should see no difficulty in its voluntary adoption, and I believe this would tend to improve the management of the land. At present there seems to be a general willingness on the part of farmers to concur in contracting themselves out of the Act, but if these unpopular procedure clauses were repealed, it by no means follows that this would continue to be the case.

There is only one other grievance of a nature capable of legislative remedy of which one hears much from tenant-farmers, and about that they are never tired of talking, and seem to feel most strongly. I mean the increase of local taxation, especially the throwing of the turnpike roads upon the parishes, and the education rate.

It is strange that the professed advocates of agricultural interests, in newspapers and elsewhere, should so often waste their energy in denouncing the incidence of the ancient poor and highway rates wholly on real property, whilst these two modern additions to the burdens on land should have been imposed almost without opposition. All personal property (except mere chattels) consists of some sort of interest in, or charge upon, real property. No form of property is more heavily rated than our railways and other public undertakings, and the incidence of these ancient burdens could not now be changed, without a grievous breach of faith as between different classes of the nation; between landowners and mortgagees, between ordinary shareholders and debenture and preference shareholders. But it was quite a different

thing to throw upon one class only, two entirely new charges—the repair of turnpike roads, and the education of the whole population. The transfer of any part of these burdens to the Consolidated Fund is usually objected to on the ground that it would open the door to extravagant expenditure, and to the open evils of undue centralization; and those who feel the grievance should try to suggest a remedy which is not open to this criticism. The soundest suggestion I have yet heard, is that made by a Chancellor of the Exchequer some years ago, that the Imperial Government might be able, at some future time, to hand over the house tax to the local authorities, to be applied by them in reduction of the rates of each union. This alone would afford but small relief to any union which does not include a town; but it suggests a principle which might, perhaps, be carried farther.

The causes of the present disastrous state of agriculture are chiefly natural, and not within the power of the Legislature to remove; and, beyond the very moderate changes above indicated, I fail to see what beneficial alterations it is in the power of the Legislature to make, in the relations between landlord and tenant; but I believe any such changes are of very small importance compared with the great impetus which might be given to the development of landed property by the owners, by the removal of the many complications which have grown up round our system of conveyancing, and by a simplification of the transfer of land, about which I had an opportunity of shortly expressing my views to the Institution, in the discussion on the 2nd of May last, and which are beyond the limits of the present subject.

THE PRESIDENT said that he might remind his friend, Mr. TUCKER, that the previous discussions on the subject of his Paper took place nearly seven years ago, and, looking

round him at the audience this evening, he thought that the majority of those present knew very little about the former discussion.

Members would find, on referring to Vol. 2 of the "Transactions," a Paper, by Mr. SQUAREY, on Farming Covenants. The discussion of that Paper extended over three evenings, and a very distinguished Past President of the Institution concluded his remarks with very comforting words, which it would do no harm to recall under present circumstances. He said: "In spite of all imperfections and the difficulties that had been described, British agriculture was still at the head of the agriculture of Europe. That they were Englishmen was a very material guarantee that British agriculture would still be at the head of all the agriculture of Europe. . . . Continental nations might surpass us in fine arts, in arms, or abstract knowledge, yet the superiority of English agriculture was incontestable, and in this small island there was raised a greater amount of produce in proportion to its area, than was ever known before in the history of any nation in the world. If the principles he had advocated were applied, British agriculture might not only maintain its present *status* but achieve yet greater triumphs."

Those, as he had said, were very encouraging words, and he believed that Englishmen were equal to the task of restoring their agriculture to the position it occupied twelve years ago, and the prospects of which were so hopefully described in the passage he had quoted.

Mr. T. SMITH-WOOLLEY (Vice-President) said that he rose with much pleasure to propose a vote of thanks to the gentlemen who had prepared the Papers just read. Both Papers contained matter of very great importance, and both dealt with the subject in a most commendable spirit of fairness to all parties, though he felt that Mr. SQUAREY'S

definition of what an outgoing tenant was entitled to receive required a little modification before he could fully agree with it. The tenant was entitled to compensation for any increment in the letting value not due either to (*a*) the natural fertility of the soil, or similar causes independent of the tenant's outlay, or (*b*) to the fulfilment of the covenants under which he held the farm, or (*c*) for which he had not been already compensated by the lowness of the rent. Those were very important elements in the case. Subject to them he held that in some shape or other the outgoing tenant ought to be compensated for what he had produced; but he regarded it as almost impossible to create any tribunal—except, perhaps, referees nominated by the Inclosure Commissioners,—which would really dispose of these questions satisfactorily. In order to explain what he meant by increased value due to the natural fertility of the land, he would take the case of 80 acres of land embanked from the Humber—a case within his own experience. These 80 acres were let to a tenant at 30s. an acre, and he was allowed to take four corn crops on condition that he fenced the land in temporarily, and prepared it for laying down to permanent grass. The tenant fulfilled all those conditions fairly enough, and, of course, reaped very large profits. All the capital the landlord expended was the cost of the seeds,—30s. an acre. That land was now worth 50s. an acre, and if compensation for the increment of the letting value was to be given to the tenant great injustice would be done, although the landlord had not done much towards bringing about the increase in the value.

He might cite, in further illustration, the case where the increase takes place wholly without the agency of the outgoing tenant, through the construction of, say, a railway in the district. The rental value of the “wolds” in Lincolnshire had increased largely through the making of the Manchester, Sheffield, and Lincolnshire Railway, simply

from the introduction of additional facilities for the transport of manure to the land and corn to the market. It was probably within the truth to state that Lord YARBOROUGH'S "wold" estate had increased 10 or 12 per cent. in value through the opening of that railway.

But the most important point was that the works done in fulfilment of the covenants, either expressed or implied, under which the tenant held his farm, ought not to be taken into account in considering the increased value due to the tenant's operations.

With reference to Mr. SQUAREY'S observations on the law of distress, he would like to say that he had the strongest possible conviction, from long practical experience, that this law was really a great boon to farmers, as a class. He could mention instance after instance where it had proved to be so. In one case, within his own experience, a man whose whole capital was £9 took a farm of 140 acres! Twenty years afterwards, he (Mr. WOOLLEY) sold him that farm, and, by the owner's direction, deducted £500 from his valuation because of the tenant's improvements. Another case he might mention, was that of a well-known Lincolnshire man, who commenced with about £200 of borrowed capital, and ultimately became one of the most successful farmers in Lincolnshire. He could mention many other instances where tenants, who had no other security to offer besides that afforded by the law of distress, had been enabled to succeed through its instrumentality.

Mr. D. WATNEY (Fellow) said it was with much pleasure that he seconded a vote of thanks to the authors of the Papers. He had listened to them with very great interest, but with some disappointment, for he had hoped to have heard more as to the remedies for, and less as to the causes of, the prevailing distress,—causes unfortunately but too well known.

Reference had been made to the draft Bills of the Scotch Farmers and of the English Farmers' Alliance. He ventured to think that the entire aim of those Bills was to alienate some part of the landlords' interest in the land and hand it over to the farmers, and that the transfer was to be effected under the cloak of security for tenants' capital. Tenants, no doubt, had lost their capital to a very great extent during the last five or six years, and he believed he was expressing the feelings of the Meeting when he said that everyone in that room was exceedingly sorry for it; but it was not right that the farmers should seek to recoup themselves out of somebody else's pocket, which was the aim, it seemed to him, of those draft Bills.

The Scotch farmers in good times had secured long leases, in their own interest. Some few years ago they insisted upon having such leases, and now that they had lost so much money, these leases pressed upon them very heavily, and nothing would rejoice them more than an Act of Parliament to relieve them of their liabilities.

Taking it generally, farmers had been met in a very handsome way by landlords, and, he might add, by agents also. It was very true, as they read in the papers devoted to the subject, that the rental value of England had increased very materially—he thought from 25 to 35 per cent. during the last 25 or 30 years,—but then it must be borne in mind that the landlords of this country had contributed very many millions to that result. It was from the application of their capital that the rental value in this country had mainly increased, and not as the agitators endeavoured to make their dupes believe, entirely from the application of tenant's capital.

There was one other point which he should like to refer to, and which he did not think was sufficiently understood in connection with the very large rental increase. Many in

that room would call to mind farms under their management, apparently showing a very large percentage of increased rental, where, if they took the interest on the landlords' outlay on cottages, roads, and other things, at, say, 6 per cent., the increased rental was more than accounted for. That was a calculation he would like the gentlemen present to study for themselves, and see if he was right.

He ventured to differ from his friend, Mr. TUCKETT, as to the causes which had militated against the adoption of the Agricultural Holdings Act. To begin with, he thought the first clause, as to compensation for improvements, was far too vague and ill-defined, and landlords and tenants were equally shy of it in its present form. As regarded Clauses 2 and 3, since the Act was passed the tenants had had no opportunity whatever of trying their effect. Indeed the seasons had been so depressed that the Act had not had a fair chance of working. It must be remembered that it only took effect from February 1876. Then, again, the machinery of the Act was so complicated that it was impossible to tell how it would work from the few cases which had arisen under it. He had taken a great deal of interest in these cases, and from the results he was not surprised that anyone should hesitate to put themselves under it. Another fatal objection to the Act, in his opinion, was the fact that there was no power given to the landlord to bring his tenant into court for breaches of covenant or for deterioration of his farm.

It must not be taken for granted, as Mr. TUCKETT seemed to think, that what was best for some farming districts of England, was best for them under the Agricultural Holdings Act. A great deal had been said from time to time in commendation of the Lincolnshire custom, but, notwithstanding its liberal custom, no county had suffered so much from agricultural depression as Lincolnshire, and

in no other county had the tenants lost a larger proportion of their capital.

The law of distress was to form the subject of a Paper in that room, and he would therefore confine himself to the expression of his opinion that, if the law of distress were abolished, it would be a bad day not only for the landlords, but for the farmers also. A man bought land as he bought consols, and many a purchaser had been content to accept 3 per cent. for his investment. Most of them knew of cases where even 2 per cent. had been gladly accepted, because the buyer wanted the land and thought it perfectly safe. But, if the law of distress were abolished, intending purchasers would say that at less than 4 per cent. the investment was not worth the risk, or, in the absence of a security of the kind, would require the rent paid in advance, which would still further cripple the farmer.

The question at the present time was not how the farmer's capital could be replaced (although that was important) but how he could best be assisted in tiding over the difficult times, and in cultivating his farm to the best advantage. It seemed to him that the State should lend money at $3\frac{1}{4}$ per cent., to be charged on the land, and in his opinion this would be the most efficient way of enabling both landlords and tenants to tide over the present bad times.

Mr. WM. BROWN (Fellow) remarked that he had never been afraid of the Agricultural Holdings Act, though the procedure was certainly very complicated, nor had he advised any owner for whom he was interested to contract himself out of it. He always thought, however, that the Act applied very much to one side only. If it had been in operation in all cases at the present moment, the landlords, in a great number of instances, would find themselves very heavy claimants, for, probably, no one in that room remem-

bered a time when the land was given up in a worse state than it had been for the last two years.

He quite agreed that it would be a sorry day for the farmers when the law of distress was abolished altogether, though he had urged in that room and elsewhere, on several occasions, that, if its operation were limited to one year, the landlord being allowed to claim as a creditor for the remainder, it would be fair and equitable to all parties.

Another question—one likely to come into prominence in the ensuing Session of Parliament—was that of the local burdens on land. He earnestly hoped that the question would be handled in such a way as to give a real relief to those connected with land. It was folly to attempt to separate the interests of the landlord, farmer, and labourer, by urging that relief in this direction would only benefit the landlord. Whatever benefitted the landlord enabled him to deal more liberally with his tenants. It had been very wisely suggested that any relief given by the State should be given in such a way as to leave to the local authorities the distribution of the funds, as the parties most likely to be careful in expending it.

THE PRESIDENT was glad to see several distinguished strangers present, and trusted that some of them would favour the Meeting with their views on the subject under discussion.

MR. CLARE SEWELL READ (Visitor) assured THE PRESIDENT and all present that he had listened with great attention and considerable pleasure to the two Papers which had been read. He did not know that he had ever heard Papers more practical and more fair to all parties. A great deal had been said about the Agricultural Holdings Act, and, as he (MR. READ) had some share in the passing of that Act, he proposed to say one or two words with reference to



it. The main reason, in his opinion, for its non-adoption, was the unfortunate clause which gave leave to landlords and tenants to contract themselves out of it. Of course, that was the distinctive principle of the Bill. What he and others urged upon the Government, was the insertion of a clause to this effect, that either by the Act itself, by lease, by custom, or by agreement, compensation should be given to tenant farmers for their own unexhausted improvements; and this was really the whole text of the Bill which was brought in last year by Mr. CHAPLIN and his friend, Mr. ALBERT PELL. The object of that Bill was to give perfect facility for doing what was right, and to restrict the right of the landlord to deprive the tenant of that which was his actual due, namely, compensation for unexhausted improvements. Although the present was not a political Meeting, he would take leave to say that they could not help thinking of Ireland in considering this question, or avoid the reflection that if, when the Incumbered Estates Court was established, some small recognition of the right of the tenant to compensation for improvements had been conceded, not one-half of the ills of Ireland, which one now heard so much about, would have existed. A great deal of the land of Ireland had changed hands under that Court, and was sold with the entire improvements of the tenants. The results were now to be seen, and, although nothing so horrible could happen in this country, it was a disgrace to the Legislature that, for a long time, all legal recognition of the tenant's absolute right to the improvements made in the soil was denied him. At the same time he must say that a great many political agitators of the present day had, unfortunately, gone far beyond his notions of what was due to the farmer in this respect.

He held, with Mr. SQUAREY, that it was to the interest of the farmers to encourage the landlords to make as many permanent improvements as possible, for they wanted every

sixpence they had, and more than they had, for the cultivation of the soil. Surely it was better that the landlord should do them than that the tenant should employ his meagre resources in any such way.

Complaint had been made by his friend MR. BROWN, that the Agricultural Holdings Act was one-sided; but why was that Act one-sided? It was because the landlords would not give up their old rights to payment for dilapidations. If they had consented to do that, no doubt there would have been a provision in the Agricultural Holdings Act for compensation to a very large extent for dilapidations, as well as compensation for improvements; but, the landlords by wishing to retain that right (a right which he hoped and ventured to think they very seldom exercised, and which was exceedingly difficult to enforce), made a very bad bargain.

It had been said that though Lincolnshire had the best system of tenant-right in the kingdom, it had suffered more from agricultural distress than any other part of the country. He did not know whether that was so. Gentlemen who, he supposed, came from that county seemed to think so, but, if they would go a little further to the south-east, they would find a county which had suffered more. In the county of Norfolk leases were getting very unpopular—a singular fact, considering that in Norfolk they had no tenant-right whatever, one tenant simply going out and the other walking in, the incoming tenant taking the hay and the roots at a valuation, all other things on the farm belonging, by right he supposed, or at least by law, and certainly by the custom, to the landlord. Surely the fact that Lincolnshire was in a distressed condition could be no sort of argument against a good system of tenant-right. He felt sure that, if Lincolnshire had been distressed, notwithstanding tenant-right, without tenant-right, its condition at the present day would have been very much worse.

Mr. A. PELL, M.P. (Visitor), said that, although very sensible of the compliment paid him in asking him to say a word on the subject, he would have been better pleased if some other speaker had interposed between Mr. READ and himself, closely connected as they were. At the same time, he might say that Mr. READ and he did not altogether agree on the subject then being discussed. He was bound to say that he had been disappointed, (as he thought many in the room had been disappointed) by the way in which the owners of land in England received what he called a boon offered them by the late Government in the passing of the Agricultural Holdings Act. He thought they were too hasty, either out of indolence or ignorance, in rejecting that which he had no doubt would have in time proved an incalculable advantage to them, even if it enabled them to retain the tenants six months longer; although whether their retaining an insolvent tenant was an advantage was another matter, and so was the question whether the landlord had the brains, the capital, or the information to take that which the tenants would be only too glad to get rid of.

In one part of Mr. TUCKER's Paper an objection which he could not agree with was alleged against the Agricultural Holdings Act and given as the reason for its non-adoption in the country. No doubt, the procedure clauses were a disagreeable feature of the Act; still, to his mind, they were most valuable. He could not exactly see how the procedure under the Agricultural Holdings Act, as regards intricacy, affected injuriously those who had to resort to it. No doubt, it differed very much from the old procedure laid down by the Law Courts, but he should have thought that nothing could have been more intricate than that procedure, and neither landlords nor tenants could have suffered more severely under the Act than by resorting to legal process under the old law. Possibly, the reader of the Paper referred to the clauses relating to the particulars of

valuation. His friend, Mr. READ, he was aware, differed from him on that point, but Mr. READ was a practical man, and had dealt with the question as a valuer. He (Mr. PELL) was not. He was one of those who had been operated upon both as tenant and as landlord, and he was inclined to put a high value upon that part of the Act which required the valuers to specify item by item that which they were valuing and which made up the total.

He would tell the Meeting why he thought this provision valuable. He thought it was of special value to the landlord, because it enabled him to put into his muniments a schedule of what really belonged to himself as distinguished from that which belonged to the tenants. He had farmed as tenant-farmer long enough to know that the allowances (he did not say they were not perfectly fair) made by valuers of late years differed very much from those made ten or fifteen years ago, and landlords ought to have a proper record of what these allowances were in the shape of a clear specification. But if this was the only vexatious part of the procedure of the Agricultural Holdings Act, it could hardly be regarded as a sufficient reason for condemning the Act as not generally acceptable. He thought one reason was that it was such an easy thing to say "No." It put an end to all thought and all responsibility.

He felt that this impulse on the part of landlords was so unworthy that he was led to give his assent, though unwillingly, to Mr. CHAPLIN's proposals. The principle, as Mr. READ had said, of the Bill was that a tenant should have nothing less allowed him on going out of his farm than what the Agricultural Holdings Act would have given him. If the custom of the country, or the landlord by agreement, conferred anything more upon the outgoing tenant, he was welcome to it, but he should not be deprived by the landlord's refusal of the modicum of justice which the Agricultural Holdings Act gave him.

It had been asked what were the remedies for the present disasters? He answered that increase of population in America would be one, and the greater consumption of food and a greater appreciation on the part of the middle class of the luxuries of life another. These causes, singly and together, would lead to a recovery from the prevailing depression. He was not inclined to look for any change in the laws regulating the devolution of property likely to benefit him during his lifetime. What was wanted was freedom to spend and wisdom in spending on the part of the landlord. He was not an advocate of vast expenditure. Sometimes those landlords found their banking accounts the best who spent the least. The father of his colleague, who represented South Leicestershire, perpetually dinned this advice into his ear: "Never buy anything but the best grass land, and, if possible, grass land which does not require any draining and that has nothing but a gate to be kept up."

THE PRESIDENT thought it might be useful to refer the Members (some of the younger ones, at any rate) to the discussion on Mr. SQUAREY's former Paper, a report of which would be found in Vol. 2 of the "Transactions," and which showed the opinion of Members ten or twelve years ago.

That opinion was decidedly adverse to the Surrey custom, which was condemned as injurious to the tenants. The present agitation seemed to him to be in favour of the general introduction of something much beyond the Surrey custom over the whole country, instead of sweeping away everything which tended to cripple the capital of the incoming tenant.

The vote of thanks having been put and carried unanimously, the discussion was adjourned on the motion of Mr. JAMES MARTIN to the next Meeting.

AT
THE ORDINARY GENERAL MEETING,

Held on Monday, December 19th, 1881.

THE PRESIDENT, MR. E. RYDE, IN THE CHAIR.

The discussion on the Papers by Mr. E. P. SQUAREY and Mr. P. D. TUCKETT, read at the last Meeting, was resumed by—

Mr. J. MARTIN (Fellow), who said that the discussion on the valuable Papers, read by Mr. SQUAREY and Mr. TUCKETT, having been adjourned on his motion from the last Meeting, he had now to make a few remarks upon the subject on which those Papers treated. In the first place, he would observe that there seemed to be a disposition on the part of many writers and speakers to look upon the questions of land legislation and tenants' improvements as inseparably connected with the present depression in agriculture, instead of regarding them as entirely independent of each other.

This could not be too often pointed out, as to this confusion of terms were owing the wild schemes which have been lately forced into notice. Surely there could be no difference of opinion amongst the Members on that point! The one great cause of the depression was the six consecutive wet and ungenial seasons. Of course, foreign competition and the unjust incidence of some of the local rates pressed very heavily upon farmers at the present time, but it is the losses which they have suffered during the adverse seasons which have caused them to feel the weight of these burdens.

It was not the burdens themselves which had helped to any appreciable extent to cause the depression. It must also be borne in mind that, year after year, landlords had been generously and materially assisting their tenants either by remissions or reductions of rents, and still the tenants' circumstances had been getting worse. The same held good with respect to security for tenants' capital. One did not hear farmers asking for this kind of protection now.

In a great many, or the majority of cases, tenants had very little capital left to need protection, and the want of this security had not contributed even in the slightest degree towards the depression. Take his own county (Lincolnshire) for example. No county in the kingdom had been better farmed, on the whole, and it would be difficult to frame a fairer or better tenant-right than the Lincolnshire custom gave. Yet, in spite of this, although they had ample security for their capital and took advantage of it by farming on the most improved principle, no county had suffered so severely during the last six years. He, therefore, repeated that the depression had been solely caused by the earth failing to bring forth her fruit, in consequence of the wet and ungenial seasons. There was no security as against the elements. He dwelt upon this view, for he was quite sure that, if the tenant-farmers would look at it from the same standpoint, there would be no fear of their being driven by panic, or by any means enticed, to subscribe to the confiscatory principles of the Farmers' Alliance Bill. As he read this Bill, he could not understand any right-minded person supporting it. It read to him very Irish, and, so far as it was yet possible to judge of the working of an Act of the same kind across the channel, its rejection ought to be assured. Apart from the agricultural depression, of course, some legislation was required. The incidence of some of the local rates required re-adjusting, and it was imperative that tenants should have

security for their capital. But surely there must be some other way of remedying the grievances of the farmers in these respects than by setting them on to rob and worry the landlord.

As regarded the unjust incidence of local rates, he had no doubt, as Mr. SQUAREY suggested, that a Chancellor of the Exchequer would have no difficulty in affording relief if opinion were ripe for it. Greater care was needed in preparing a measure for giving security to tenants for capital invested in permanent improvements—cake and artificial manures. He spoke from his own knowledge when he said that, in prosperous seasons, and before the Agricultural Holdings Act was passed, great injustice was often done to discharged outgoing tenants in this respect. A great many permanent improvements were carried out by the tenant, sometimes by arrangement with the landlord, and sometimes without; and, in the latter case, the tenant did not receive one halfpenny return on quitting.

In the days of competition he was concerned in a large number of sales of land in small lots. A majority of the purchasers were tenant-farmers, who spent their last shilling at the sale; and so unwilling were they to pay the outgoing tenant what he was entitled to, that he (Mr. MARTIN) was obliged to protect him by special provision in the conditions of sale. What was wanted was a measure similar to the Agricultural Holdings Act, but compulsory, instead of permissive—such a Bill as was laid before the House of Commons last Session by Mr. CHAPLIN. With respect to the Agricultural Holdings Act, the allowances to the tenants on quitting were clearly not enough defined. Under the Lincolnshire custom, before the valuers were appointed, the outgoing tenant knew pretty well what he was entitled to and would receive. He (Mr. MARTIN) also admitted that the procedure clauses were difficult to apply, and that the Act

had not often been adopted; but he believed it had done a great deal of good indirectly,—much more than it received credit for. It had caused landlords and tenants to have an agreement of some kind, more or less recognizing the principle of allowance for unexhausted improvements, and it had empowered the limited life owner to make these allowances a charge on the estate; whereas, formerly, anything he might have allowed in this way would have had to come out of his own personal property.

To make a measure of the kind complete, the landlord should have power to claim for dilapidations, cross-cropping, or bad cultivation.

It was notorious that valuers would not make outgoing tenants bear their full burdens in this respect, and, although they were in Lincolnshire paid full compensation for unexhausted improvements, they might leave the land impoverished and the buildings, fences, &c., in an unsatisfactory state, often with complete impunity. But it must not be for a moment forgotten that, unless this measure be framed calmly and carefully, there would be great danger of the tenant-right being written up so high as to exhaust the incoming tenant's capital, and leave him nothing wherewith to carry on the farm or pay a fair rent for his holding. Under the Lincolnshire custom, it was quite as high as it ought to be consistently with the best interests of landlord and tenant. No incoming tenant should have to pay for an improvement, unless it can be clearly demonstrated that he will receive benefit from it, and no outgoing tenant should be able to claim for any improvement which has not directly resulted from the employment of his own capital and to the benefit of his successor.

With regard to the law of distress, he had not yet met with a tenant who complained of it as a hardship, and he could only repeat his oft-expressed opinion that it would be

a bad day for tenant-farmers if it were abolished, although he would be willing to limit its application to one year's rent.

Mr. W. STURGE (Past President) said the fact that two more Papers, in addition to those already read, had been contributed on the subject of Agricultural Distress, or matters connected with it, showed the continued importance of the question.

The gist of Mr. SQUAREY's Paper appeared to be that, for the purposes of valuations of tenant-right for outgoing tenants' improvements, there should be a resort to an umpire appointed by some duly-constituted tribunal (such as the Inclosure Commissioners), to decide between differing valuers. He entirely agreed with that suggestion, for his experience in these cases was that there was the greatest difficulty in securing a proper allowance for dilapidations, because the persons who made those valuations were almost all of them, in his part of the country at any rate, tenant-farmers themselves.

He felt bound to take exception to Mr. SQUAREY's statement, that something should be paid for "special and cleanly cultivation!" Cleanly cultivation was the landlord's right, and a tenant had no right to be paid for it. He should be paid for any artificial condition he gave to the land, but it was his duty, under his covenants, to keep and leave the land in a cleanly state.

He agreed, in the main, with the views put forth in Mr. TUCKERT's Paper, the gist of which appeared to be an objection to the procedure clauses of the Agricultural Holdings Act. He felt very much in accord with Mr. TUCKERT on this point, and had carried out in practice the idea which Mr. TUCKERT suggested—that these valuations might be made as ordinary valuations, provided a suitable umpire be

appointed, without going through the technical proceedings prescribed by the Act, and he had in several cases inserted a covenant in agreements, to the effect that the tenant should be paid for his improvements, at a valuation to be made in the usual way by two valuers or their umpire, in accordance with the provisions of the Agricultural Holdings Act, thus avoiding the technical rules of procedure.

He would now pass on to some more general questions in connection with agricultural distress. The causes had by this time, he thought, been sufficiently discussed. There could be very little difference of opinion that the main cause was the long succession of ungenial seasons combined with foreign competition, stimulated by the want of production in this country. But, passing by the cause, the effects were, in his opinion, of the most serious kind. He believed, from calculations which he had made and from conversation with other land-agents, that, in the arable districts of England at all events, something like one-half of the capital employed in agriculture had been sunk within the last seven years. He had very little doubt that this calculation was, if anything, within the mark, and he felt quite certain that it was not beyond it.

Having spoken of effects, the next question to discuss was that of remedies, and he feared that all that could be done of a remedial nature was something to remove the friction—the obstacles which stood in the way of further improvements. The words of the poet were applicable to the case—

“Of all the many ills mankind endure,
How few are those which human laws can cure;”

without genial seasons and productive harvests, no improvement could be hoped for. With a succession of plenteous years, prosperity might come round by degrees. Still, there was something that might be done to induce

that happy result both with regard to landlords and tenants. Now, a great deal (not at all too much) had been said about the distressed tenant, but very little in that room about the distressed landlord. He was sorry to say that the distressed landlord came very frequently before the land-agent's view. He did not propose to say much of those landlords who were their own masters—who held their estates in fee-simple and could deal with them as they thought proper; who could make improvements or sell their estates or contract their expenditure, and, by some of those means or by all of them, tide over their difficulties. But, unfortunately, there was another class of landowners only too common in this country—those who held settled estates with very heavy incumbrances upon them, and that class of landlord was most thoroughly to be pitied. The little margin left them for their own living, after payment of family charges and mortgages, was absolutely gone. It was very difficult to say how such landlords were to be relieved. He did not propose to go into the question of further restriction of the present liberty of entailing estates, because that was a question for the future, but, to regard its effect in the past. After looking at the subject all round, he could come to no other conclusion than, that for such landlords as these, there was no remedy short of an Incumbered Estates Act—an Act which would enable those distressed landlords and owners of settled estates to sell their estates, or parts of them, to pay off their incumbrances, the purchasers having a clear Parliamentary title to commence with. All questions as to the distribution of the proceeds of sale would then be fought out over the money, instead of over the land. That he understood to be the main principle of the Incumbered Estates Court Act, applied to Ireland some 30 years ago, and he believed that some such Act was necessary at the present time for England. It was a prompt and drastic remedy;

but persons who are seriously ill must sometimes submit to prompt and drastic remedies, and he believed this was almost the only one for landlords in such a position.

So much had been said in that room about tenants that he need not add very much under that head. He need not say that it was most distressing to reflect that so large a proportion of the agricultural capital of England had been sunk owing to the long succession of bad seasons; but tenants, at all events, did not labour under the same difficulty as the class of landlords to whom he had referred. They were free to make their own bargains, and they were making their own bargains pretty freely. But still there were some things in which they could be assisted.

He entirely agreed that a good system of tenant-right, based upon the lines of the Agricultural Holdings Act, should be extended throughout the whole kingdom, and he thought that this would do something to promote the flow of capital back into the business of agriculture. Then, something might be done with reference to the incidence of taxation. He agreed with Mr. TUCKER in his Paper, that not much was to be said as to the Poor Rates and Highway Rates, which tenants had been accustomed to pay for all time; but he thought it was hard on them that the expense of maintaining the turnpike roads and the education of the people should fall on them. Some provision should be made for the payment of those particular rates out of the Imperial Exchequer. Again, to induce tenants to hold their farms in the hope of tiding over their difficulties, he believed it would be necessary for landlords to continue, at all events in arable districts, liberal remissions of rent for some time after the present cycle of bad seasons had come to an end; for he assumed it would come to an end at some time or other, and that a return of good seasons might be looked for. What was wanted was

to fill the tenant's pocket again, in order that he might be able to cultivate the land to the best advantage.

Having said so much, he would now make a few remarks with reference to the Farmers' Alliance, or what he should rather call the "Agitators' Alliance," for he did not believe that many farmers were really mixed up with it, and he was sure they would not identify themselves with it at all if they were not led by other persons. As he understood the Bill promoted by the Farmers' Alliance, it amounted pretty much to this—that the rent was to be fixed by a tribunal composed of the County Court Judge and two members of the Board of Guardians; in other words, by a Judge who, from his education, was not likely to know much about the value of the land, and by two tenant-farmers. That was what it would amount to. The next point was that the tenant was to have free sale, *i.e.*, at the end of his tenancy he was to have the right to put his tenant-right up to auction, and thus to deprive the landlord of the selection of the tenant. Now, he would just trace this course of procedure through its various stages. Take the case of a landowner (whose family had, perhaps, been living in their ancestral home for two, three, or four centuries), doing his duty as a country gentleman, as a magistrate, as a county member, or as chairman of the Board of Guardians—his tenants living round him in peace and plenty until this unfortunate cycle of seasons set in.

Suppose such a man with one of his farms to let. Under the old system, a farmer would come and bargain with him or his agent (and the farmers were pretty well able to take care of themselves in such cases), and a contract was entered into which turned out satisfactory to both parties. But under the new system, the same gentleman having some of his farms thrown on his hands was to be no longer free to make a bargain with the applicants;

he must go to this tribunal to have the rent fixed (he believed for seven years), and after this the new tenant, who might be a total stranger to the owner, except for his references, which, as experience proved, were often delusive, was let into possession ! In the course of four or five years, the man would probably begin to think that the seven years would shortly be up, and that the best thing he could do would be to work up to a quitting, and put his farm up for sale by auction, describing it as "a farm let at a moderate rent, in first-class condition," and so on. The landlord might desire, in order to protect himself, to purchase the tenant-right. But what would be his position ? He would have to bid against all the world, and not only so, but against his tenant's own puffers, and he would be run up, perhaps, 50 per cent. more than the tenant-right was worth ; this might and probably would happen on every re-letting. Now that was to all intents and purposes to create a double interest in the land, that of the owner of the soil reduced to the position of the owner of a rent-charge, and that of the owner of the oilcake raised to the position of owner of the land, subject only to an annual payment. The title-deeds of the former would be the old family parchments, rendered obsolete by modern legislation ; the title-deeds of the latter would be his oilcake bills, conferring the real, practical, and valid title to the control and enjoyment of the estate. He did not wish to call this proposed change by a hard name, but it seemed to him to be nothing short of confiscation, and he hoped that not only the landowners and land-agents, but the great body of tenants in England, would set their faces against it, for he was quite sure that it would not be to their advantage.

Mr. C. G. GREY (Fellow) said there were one or two points on which he would make a few observations, and

would trespass as shortly as possible on the time of the Meeting. Mr. SQUAREY had suggested, referring to the proposal that three-fourths of the local rates should be paid by the landlord, that the matter might be met by an agreement to the effect that all the rates exceeding a certain sum should be paid by the landlord. For his own part, he entirely disagreed with Mr. SQUAREY on this point. If a man took the lease of a farm, where the rates were 1s., and they were increased to 2s., he suffered as much injury as a man who took a farm where they were 2s., and they were increased to 3s.; and yet, in the one case, the whole was to fall on the tenant; and, in the other case, on the landlord. In Ireland and Scotland, the practice had been for the landlord to pay half the rates—an arrangement which seemed to work admirably. The object, he thought, which had been attained by dividing the rates between the landlord and tenant was, that the landlords took more interest in the making of the rates. In several of the unions of England with which he was acquainted there was scarcely a single landlord who took any interest whatever in the administration of the rates, except those which were made at the Quarter Sessions. In Ireland and in Scotland, on the contrary, the landlords took great interest in the rates, and he believed it was owing to the fact that they shared the burden of them in equal proportion with the tenants.

It had been remarked by Mr. WATNEY that “many “in that room would call to mind farms under their “management apparently showing a very large percentage “of increased rental, where, if they took the interest on “the landlords’ outlay on cottages, roads, and other things, at, “say, 6 per cent., the increased rental was more than accounted “for.” He (Mr. GREY) had occasion to take out the figures, not very long ago, in connection with some farms under his management, and could completely bear out what Mr.

WATNEY had said. He had not been able to go back more than 31 years in some of the cases; but he knew that previous to that period fences were erected, and a number of fields taken in and enclosed by walls. Allowing for interest on the whole of that outlay on some of those farms during those 31 years, he had found that the increase of rent, which appeared very great indeed at first sight, was accounted for fully by the landlord's outlay. Estimating, as nearly as one could, the outlay previous to the 31 years, and the subsequent outlay, the rent which would remain on the land, after charging 6 per cent. on the landlord's outlay, would be less than the rent paid at the beginning of that period. So that, judging from these facts, the alleged great increase of rent over the country generally might be attributed, he thought, a good deal to the landlords' outlay, and any proposals which ignored these facts would tend to deprive the landlords of all interest in their expenditure, who would in this case have been better off if they had followed the example of the Irish landlords, who spent nothing at all and took rent for the land.

With reference to the claim lately put forward that Irish landlords should be compensated from the public funds, he might mention a case, which lately came into the Irish Land Court. Some 20 years ago, a man bought an estate in the Encumbered Estate Court, which paid him five per cent. on his purchase, and he gave the tenants notice to quit, and increased the rents to eleven per cent., and now there was an outcry because the Commissioners had reduced the rents to a point where they still paid him six per cent. on his original purchase.

Mr. A. M. DUNLOP (Fellow) regretted that he had arrived too late to hear the remarks made by Mr. MARTIN with

reference to the Lincolnshire custom. The following crop, recognized by that custom, instead of being an advantage to the tenant-farmer in Lincolnshire, was in his opinion a very great drawback, the tenant being called upon to invest a large sum of money for which he got no return; and a few years ago a deputation composed of a large number of farmers waited upon him, to request him to lay before the owner of the estate the facts of the case as regarded that custom. These tenants were well known to Mr. MARTIN. Some of them were wealthy men, but they complained that their capital was locked up by the system which might otherwise be more profitably applied to the purposes of their business. Even in the case of those farmers who had had every advantage during the last few years—moderate rents and liberal expenditure by the landlords in the shape of buildings and draining,—it had been found desirable to remit a large percentage, one-fifth or one-fourth of the rent, and it would be necessary to continue to do so for some years to come. He thought, therefore, that every endeavour should be made during this period of depression, to meet the farmers' wishes as much as possible in these matters, so as to lift them over the fence.

His views as to the Paper by Mr. TUCKER on the Agricultural Holdings Act might be summarized in a very few words—viz., make it compulsory, and simplify the procedure clauses of the Act. This, he thought, would make it a very proper guide for all valuers in determining what was fair between landlord and tenant. It was indicated by Mr. SQUAREY, on page 25 of his Paper, that "compensation" is payable to the outgoing tenant for that proportion "of his outlay of which it is assumed he has not received the full benefit." This was the sum and substance of the whole question: that whatever the tenant had laid out on the land, and had not reaped the full benefit of, he should be

compensated for; but to encourage him to lay out money which he could not get back, upon such things as roads, buildings, and drainage, was not for the good either of himself or of the community at large. His experience was that the landlord generally erected the buildings at his sole cost, and also met the tenant in the matter of drainage by giving him the pipes, the tenant finding the labour. Under those circumstances, he did not think it would be very difficult for Surveyors or valuers to do justice between the parties. The tenants were well able to take care of themselves, and it remained for agents to consider what was best calculated to promote the better cultivation of the land as regards the purchase of manure and other necessary aids to agriculture.

He did not agree with his friend Mr. SQUAREY's remarks (page 29) as to tithes. He held that the tithe was a property quite distinct from the landlord's rent, and ought to be treated as such, and that there should be something like a system, or possibly an Act of Parliament passed, enabling the landlord to extinguish the tithe, and to raise the money for doing so by way of mortgage. This would relieve many agents who had to deal with Non-conformists, who objected very strongly to pay what they called "the parson's tithe," from a very disagreeable position, and would obviate a great deal of bad feeling.

The Highway Rate was, no doubt, a very onerous impost on the tenant-farmer. Everyone used the highway, and very few people (now that the turnpike system was abolished) paid for it, and if there was no other course available, it would be far better to throw the maintenance of the highways upon the national exchequer than to charge it upon real property.

The Education Act was a most important measure, and one which everybody must allow to be of great advantage

to the rising generation ; but why should the cost of carrying it out be thrown entirely on real property ? Why should those who were free from the trouble and burden of real property—whose money was snugly invested in the funds—pay nothing towards the education of the poor ? There was no valid reason why real property should be charged with the burden of the Education and Highway Rates, and personal property escape its fair share.

He agreed with Mr. SQUAREY's suggestion that the landlords should pay all rates over a certain amount in the £, believing that it would induce them to look better after their own interests. Mr. GREY had stated that in Scotland and Ireland it was customary for the landlord to pay half the rates ; but whether they were payable in half or some other proportion, he thought the suggestion worthy of consideration, for the reason, that at present these matters were left almost wholly to the tenants, who formed the majority at the Boards of Guardians, while the interests of the landlords were unrepresented almost entirely.

At page 31, Mr. SQUAREY had treated very ably the question of dilapidations. Landlords, as he had said before, did the building, and the tenants very seldom kept the premises in proper repair ; and when a tenant quitted, leaving the buildings in a neglected state, it very seldom happened that the landlord could secure compensation for the injury done to his property.

Reference was made by Mr. WATNEY to Scotch leases and competitive rents. He believed competitive rents were due to the fact that estates were valued, probably a year or two before the lease was out, and the property was then advertised to let by tender. As a rule, although a valuer was employed, if a tenant bid a great deal more than the valuer, it was his experience of these matters in the North of Scotland that the agent or landlord seldom took the valuer's

figures. The competitive rents thus created were, in his opinion, one of the principal causes of the present movement amongst Scotch farmers, who found that their farms were too highly rented—much more highly, than in England or Ireland ; hence the existing agitation for the intervention of the Legislature.

At page 53, Mr. PELL, referring to items of valuation, said “he was one of those who had been operated upon both as tenant and as landlord, and he was inclined to put a high value upon that part of the Act (the Agricultural Holdings Act) which required Valuers to specify, item by item, that which they were valuing and which made up the total.” That was looking at it from Mr. PELL’s point of view ; and he quite agreed with Mr. PELL, as from a Surveyor’s standpoint it seemed scarcely reasonable that one class of the profession should be privileged to keep all they knew to themselves, while another class should be called upon to publicly disclose all they knew before an Arbitrator. Tenant-right Valuers never gave details, while Surveyors giving evidence before Arbitrators had to produce the fullest particulars.

It was also remarked by Mr. PELL that “it had been asked what were the remedies for the present disasters,” and he answered, that the increase of population in America would be one such remedy. He was very sorry to differ from Mr. PELL, who had been in America and studied the question ; but he (Mr. DUNLOP), in 1871, also traversed a great part of America, and recollected stating at an agricultural dinner in the north of England, on his return, that, in his opinion, before ten years passed away we should be supplied with wheat more cheaply from America than from this country. He need not say how far the result had justified his prediction, and he feared the increase of population in America, which was in a great measure due

to the influx of agricultural emigrants, would have no other effect than largely to increase the production for, at all events, the next fifteen years; and what were our farmers to do in the meantime?

Mr. MARTIN explained, with reference to the remarks of Mr. DUNLOP, that, although the following crop was recognized in Lincolnshire, it was the exception and not, as Members might be led to suppose, the rule. He held several large agencies in Lincolnshire, and had only two following crops in those agencies. In the district which Mr. DUNLOP was speaking of, there was a following crop; but the tenant-right and the following crop were two different things, and the land subject to the following crop was not, as a rule, subject to the custom as to cake and artificial manures.

Mr. C. F. HUMBERT (Fellow) thought that perhaps the most important question raised in the discussion was that of compensation for unexhausted improvements, and as a valuer he had always seen and always felt that a man who really did leave behind him something of which the landlord got the benefit by increased rent, should be paid for it. Every Surveyor knew how great was the difficulty in arriving at a valuation of what was fair; but still it should be attempted, and he thought, as he had said, that the man who left behind him anything in the nature of a distinct improvement should be paid for it.

When the Agricultural Holdings Act came into operation, he consulted several of his clients—large landowners—with reference to its adoption, and some said, “our solicitors have advised us to contract ourselves out of the Act,” which they did accordingly; while others did him the honour of asking his opinion on the subject. His

answer was "you are members of the Legislature, and have had a hand in passing this Act, and if tenants leave your farms in an improved state, I think it commonly fair that they should be paid for what they have done in that way," and his views were adopted. On the estates he was referring to, there were some 40 farms held by tenants (many of them old tenants), without a single agreement of any kind, and one of these tenancies had existed for nearly 200 years. He had felt—especially as the tenants died out—great inconvenience from having no agreements to fall back upon. The consequence was he was thrown on the custom, and all were aware how unsatisfactory this sometimes was. He, therefore, took an opportunity of inviting all the tenants to come in and have agreements in writing, undertaking to incorporate with those agreements the terms of the Agricultural Holdings Act. He might say he excepted the improvements of the second class unless they were executed with the landlord's approval; but, so far from the tenants thinking he was giving them any advantage, they set their backs up and opposed him in every way. He knew them all personally, and had their confidence, he believed; but he had great difficulty in getting any agreement signed at all. They said, "We do not want any agreement; we prefer to remain as we are; we hold now under a six months' notice; we know, if we had notice to quit, it would be ruinous to us; but we are content to risk that." In the end, he got his agreements signed, although at some sacrifice to himself, for the business was so vexatious and troublesome that his health broke down under the strain of it. When asked why the Agricultural Holdings Act did not answer and was not popular, perhaps his experience might lead Members to some practical conclusion.

Since that time he had had many changes of tenancy, but only one claim under the Act, and that was so absurd

that he would refrain from mentioning it. He might, therefore, assert that he had not had one single legitimate claim under it. His belief was, therefore, that the Agricultural Holdings Act did not answer, because, as a rule, when the tenant went out there was nothing left to claim for. In his own experience, the landlord might, in many cases, have made a heavy claim for dilapidations, but he thought valuers would agree with him that it was often unwise to press claims on behalf of the landlord. One was led to suppose now, by newspapers, and from the programme of the Farmers' Alliance, that if compensation were granted for unexhausted improvements there would be much better cultivation. If that were so, he would ask, where were the men with farming capital, experience, and knowledge to bring about this improved state of agriculture? Why did they not come forward now, for there never was a better time for taking farms than the present? The landlord took his land to an overstocked market, and the tenant had only to say, "I will take your farm on fair terms, but you must give me a clause to pay me for improvements," and no agent would object to a proposal of the kind. He had let several farms during the last twelve months—one so lately as Friday last—and there was no question raised of allowance for unexhausted improvements. The whole effort was to reduce the rent.

The many failures that had occurred were greatly to be lamented, but they were caused, primarily, by the seasons. Of course, the seasons which suited one class of soil did not suit another. He was talking to a tenant the other day who farmed largely—three or four farms—and came of a good old farming stock in Buckinghamshire and Hertfordshire. His land was light diluvium, over chalk. He said: "I have not done badly—I have got in my hay without wet; it has certainly been bad weather for the

wheat harvest, but if I could not cart my wheat for a whole day, I did it for half a day or a quarter of a day, and I thrashed it and got 40s. a ton for my straw; and I have a hundred acres of roots—about 30 tons to the acre.” But that was light land, where it was not waterlogged as had been the case with some of the heavy land in other parts of England. In one district with which he was connected, the only saleable crop was wheat and barley, and there matters looked very serious indeed.

Mr. R. C. DRIVER (Fellow) said it seemed to him that the failure of the Agricultural Holdings Act was due, in the first place, to the fact that all parties were compelled to make up their mind with respect to its adoption within a very short period; and, secondly, that the procedure clauses were so difficult to understand and deal with, that both landlord and tenant thought it easier and safer to say “No” than “Yes.” Both Mr. SQUAREY’s and Mr. TUCKETT’s Papers together, were very opportune on this subject. If the suggestion made by Mr. SQUAREY that the Inclosure Commissioners should have the appointment of the valuer by whom all matters under the Agricultural Holdings Act should be ascertained, then the Agricultural Holdings Act would be the best thing for the tenant as well as for the landlord. His experience of tenants was that they made little or no improvements and left little or nothing behind unexhausted; but that they endeavoured to exhaust, as far as they could, the improvements made by the landlord, in buildings, draining, or otherwise. He believed that the adoption of the provisions of the Agricultural Holdings Act, coupled with a power given to the Inclosure Commissioners of appointing valuers to settle these matters, would be the best possible arrangement for all parties.

Mr. J. CLUTTON (Past President) said that one of the difficulties in discussing this subject was to know where to begin, and he did not know that he could do better than follow the order adopted by the authors. A hope was expressed by Mr. SQUAREY that the discussion would tend to show what it was in the power of the Legislature to do towards remedying the present disastrous condition of things, or to prevent, or at least mitigate, future visitations of the same kind. It was his firm conviction that Parliament could do very little in the matter. He had no belief whatever in legislative enactments for controlling bargains, which could be made not only as well, but much better, by the individuals concerned. He was aware that in saying this he was going contrary to prevalent ideas, as the previous discussion and both Papers went on the assumption of a grievance between the tenant and the landlord. His conviction was that this so-called grievance arose from the neglect of the parties themselves, who had failed to take care of their own interests, though perfectly qualified by age, education, and understanding to do so.

Take the Scotch system referred to by Mr. WATNEY in his remarks, and by many speakers on previous occasions. Some few years ago the Scotch system of 19 years' leases was held up as a model for general imitation; but what happened? The Scotchmen competed with each other for holdings on leases of 19 years with a view to their own advantage; but, times having changed, they were now doing their utmost to get a Bill passed relieving them of the bargains which they not only voluntarily but eagerly entered into. The same spirit was manifesting itself in England. It was no one's fault but the tenants' if they ran up the rents, and there was no reason why they should be saved from the consequences of their own deliberate act at some one else's expense.

It could not be said that landlords had so much the best of it in these times, for tenants by the year had the landlord entirely under their feet at the present moment, and if one of them gave notice, there was no choice between letting him go or taking any rent he chose to offer, for no second man appeared.

Before passing from the subject of legislative interference, he might quote an observation of Mr. COLEMAN's in his report to the Royal Commission on Agriculture. Mr. COLEMAN said: "Whenever Government interferes and attempts to take the management out of the hands of farmers or any other class, instead of relieving them, it generally puts its hands further into their pockets—witness School Boards, highway rates, &c. They have relieved brewers, millers, and people who are hourly using the roads and formerly paid thousands for their maintenance, and have thrown the burden on farmers who rarely use them." One of the acts that the Legislature could do towards remedying existing evils was to pass an Arterial Drainage Bill. Arterial drainage was what no two individuals could do for themselves, and, assuming it to be necessary, was what the Legislature could do for them.

As regards the question of local taxation, no doubt the Government would have the fairness to see and the candour to admit that it was not equitable to call upon the farmers and landowners to bear the whole burden of taxation, or (taking the highway rates as an instance) that those who used the roads as much as the farmers should be exempted from all contributions towards their maintenance.

There was, he imagined, no difference of opinion in that room that the prevailing depression was mainly due to deficient crops. He held in his hand a Paper furnished by a tenant-farmer, giving the produce of a farm on the Oolite. This Paper would speak for itself, and show how seriously the production of the farm had been lowered in recent years.

A Return of some of the most important Sales from a Farm on the Oolite.

Dec. 1880.

A MICHAELMAS TENANCY.

Year.	WHEAT.		BARLEY.		Total Corn and Straw Sold.	Sheep Sold.	Wool Sold.	Total of Sheep Sold.	Horned Stock Sold.	Pigs Sold.	Total of Stock Sold.	Total of Stock Sold. Purchase of Stock Deducted.
	Average Yield and Price.	Total Sold.	Average Yield and Price.	Total Sold.								
1872 1873 1874 1875 1876	29 Bushels at 53/6 per Quarter.	£ 1,281	38 Bushels at 40/8 per Quarter.	£ 2,776	4,433	1,701	427	2,128	2,551	873	5,532	£ 3,657
1877	37 B at 57/4	1,579	35 B at 39/4	2,354	4,291	1,635	341	1,975	2,604	892	5,471	3,670
1878	31 B at 49/10	993	32 B at 43/-	2,166	3,494	1,736	288	2,024	2,299	726	5,049	3,497
1879	26 B at 41/4	906	27 B at 35/7	1,447	2,637	1,379	166	1,545	1,969	770	4,284	2,897
*1880	24 B at 44/-	865	28 B at 42/-	1,177	2,201	1,386	219	1,606	1,561	654	3,821	2,621

These figures in this last column can only be taken as an average, as more or less Stock may remain over at Michaelmas.

* The produce of the year previous. The seasons of 1878 and 1879 were the specially bad seasons, being too wet and cold. Very little indeed of the inferior corn is sold, it is consumed on the Farm.

He did not propose to enter into the discussion which had arisen with reference to the Agricultural Holdings Act beyond saying this, that it was a useful Act and that, in the event of the landlord and tenant not agreeing, there should be twelve months' notice to quit. He quite agreed that no tenancy should be determinable at a shorter period than twelve months. Great hardship might be inflicted on men who held for a shorter period, but twelve months was quite long enough to give a man the opportunity of recouping himself any ordinary outlay for purchased manures or feeding stuffs, and for anything further he could and should protect himself by contract.

Assuming that legislative interference were necessary (which, as he had said, he did not admit), there was nothing better for the purpose than the compulsory enactment of the provisions of the Agricultural Holdings Act. It was a well-considered measure, and as a Permissive Act had done great good by showing people what they ought to do.

While on the subject of special legislation he would like to ask what good the alteration of the malt tax had done the tenant-farmers? The farmers were led to believe by their friends, though he did not believe they thought so themselves, that relief from the malt tax would benefit them greatly. It was clear that the £1,000,000 a year which the Chancellor of the Exchequer expected to get by the change in the incidence of the tax, must come out of somebody's pocket, and everyone knew that barley now fetched a less price than previously; therefore he thought it obvious from this example that any interference on the part of the Legislature was more likely to do harm than good to agricultural interests.

As regarded payments to tenants, he was a Surrey man, and was perfectly familiar with the custom of that county,

and the following experience in connection with a small farm of his own might prove instructive. The farm consisted of 100 acres, and the tenant gave him notice to quit, and did quit. His agreement embodied the custom of Surrey. For 100 acres of land he (Mr. CLUTTON) had to pay the tenant £680 outgoing valuation, which, supposing he had relet the farm, would have come out of the incoming tenant's pocket. And here he might observe that, throughout the discussion, the incoming tenant appeared to be entirely overlooked. Everybody was for giving something to the man in possession, who had not taken the trouble to secure what he wanted by contract, and who was calling on the Legislature to give him what he should have ensured for himself.

He had been always willing that an outgoing tenant should be paid by the Lincolnshire custom for cake consumed, but Professor VOELCKER had stated recently, that the allowance for cake consumed was on too favourable a basis for the outgoing tenant. Mr. COLEMAN had also pointed out, as regarded the tenant-right customs prevailing in Yorkshire, that, in the absence of any special agreement, it entitled an outgoer to most exceptional allowances, which he denounces as conducive to fraud and extortion, for what were termed "half tillages, an allowance for what is "stated to have been applied to the ground in the year "preceding the last, leading to the imposition of a charge "where the incomer really ought to receive compensation, "and, supported by the valuations of unscrupulous persons, "claims are fabricated which offer a signal proof of the "way in which tenant-right may be transformed into an "abuse, the farmer's capital defrauded, and no encouragement given to agriculture."

As regarded Surrey, Mr. LITTLE had said that, with

300,000 acres of cultivated ground, or nearly 61·9 per cent. of the total area, a marked feature of the system was the tenant-right, which was widely recognized, but was a preposterous system, apparently based on the assumption that the land had been taken in a state of nature, and that the tenant was entitled to reduce it again to that condition, whereas, every lease, so far as he (Mr. CLUTTON) was aware, contained a covenant that the tenant "should keep the land clean and in good heart and condition, and manage it in accordance with the best and most approved system and due course of husbandry practised in the county." But, notwithstanding this, they were asked to pay the tenant for that very condition which he had done nothing to create and was bound to maintain. But this was not all. It occasionally happened that a farm which was out of condition was let to a tenant at a reduced rent in consideration of that fact, and they were now actually asked to acquiesce in an Act of Parliament to give such a tenant compensation for leaving the farm in the state in which he was bound by his covenants to leave it. Take the case of his own farm to which he had already referred. When his tenant quitted, the settlement of the valuation was referred to an umpire, and, though he had to pay the tenant the large sum of £680, not an acre of the land was properly cleaned, and he had to have the whole of the clover-lay spudded over, and the land for fallow had many loads of couch in it, before he could sow wheat, and all without receiving any compensation.

It would be waste of time to discuss the Alliance Bill, for he did not believe it was seriously expected (except, perhaps, by half-a-dozen persons) to pass. The object of the Bill was to put the English into the same position as the Irish tenant, for if a man making what he called an improvement were at liberty to sell it in the open market, it

would amount practically to control of the rents by outsiders—the tenant-right being put into one scale, and the rents into the other—in other words, growing tenant-right and diminishing rents. That was what would result from the adoption of the proposals of the Bill. It had been said, no doubt truly, by the advocates of the Bill that it would give the tenant an interest in the land. He supposed there was no Surveyor in that room who had not been engaged the greater part of his time, during the last 25 or 30 years, in getting rid of joint tenancies in the land, by the enfranchisement of copyholds and the extinction of leases for lives, yet here was the Legislature asked to remarry these people who had, at such pains, been divorced from ties which had done so much in the past to fetter their freedom of action. Certainly, there was a tendency in things to move in a circle!

If the landlord found himself trammelled with what would amount to a joint ownership with some one else, it was quite certain that he would not lay out one shilling in further improving his property. Who, he would ask, had made all the permanent improvements? and how many tenants could be found who had laid out £500 in improving their farms? It was notorious that they systematically refused to do anything, and could hardly be prevailed upon to keep even such a thing as a gate in reasonable repair; and where was the tenant-right valuer who could be got to look at matters from the landlord's point of view, or allow anything (even in Lincolnshire) in respect of dilapidations?

The sum and substance of his remarks was this, that perfect freedom of contract between landlords and tenants was better than any arrangement which it was in the power of the Legislature to effect for them, and that no

permanent improvements should be the subject of payment unless previously sanctioned by the landlord, and that no payment should be legalized for unexhausted manures or feeding stuffs when a tenant could not be removed at less than twelve months' notice.

On the motion of Mr. F. MEADOWS WHITE, Q.C. (Associate), the discussion was then adjourned.

AT
THE ORDINARY GENERAL MEETING,
Held on Monday, 16th January, 1882.

THE PRESIDENT, MR. E. RYDE, IN THE CHAIR.

The adjourned discussion on the Papers by Mr. E. P. SQUAREY and Mr. P. D. TUCKETT, read at the Ordinary General Meeting of Monday, December 5th, 1881, was resumed.

THE PRESIDENT said he was sorry to inform the Meeting that Mr. SQUAREY would not be able to attend and reply to the comments upon his Paper, in consequence of a domestic affliction.

Mr. F. L. DASHWOOD (Associate) said, in resuming the discussion, that, as a tenant-farmer, and one familiar with the management of land, he wished to support Mr. CLUTTON's statement, made at the last Meeting of the Institution, that "no tenancy should be determinable at a shorter period than " twelve months * * * * twelve months was quite long enough " to give a tenant the opportunity of recouping himself any " ordinary outlay for purchased manures or feeding stuffs, " and for anything further, he could and *should* protect himself " by contract," and that "no permanent improvements should " be subject of payment unless previously sanctioned by the " landlord, and that no payment should be legalized for unex- " hausted manures or feeding stuffs where a tenant could " not be removed at less than twelve months' notice," that was to say, with a Michaelmas take.

He might state, by way of preface to the remarks he was

about to make, that he had been farming as a tenant-farmer for twenty-six years, first with a farm of 600 acres in Oxfordshire on a lease for twenty-one years, then for the past eighteen years with an adjoining farm of 500 acres on the old-fashioned six months' notice system, and he now held the two farms as a yearly tenant at a year's notice on a Michaelmas take, which he much preferred to a twenty-one years' lease, or any other tenure that he knew of. He also acted as agent for one estate, and he had experience in one of the eastern counties where farming as a whole was more advanced than in Oxfordshire. He trusted, therefore, that the Members would regard him as possessed of fair experience in these matters.

The agreement under which he farmed was a yearly one. The agreement of the estate was a liberal one, giving leave to grow two white straw crops in succession, and to sell hay and straw. As a matter of course he contracted to keep and leave the land in a clean state. He said, as a matter of course he contracted to keep and leave the land in a clean state, for that was the condition generally, if not always, entered or understood in all farm agreements; but he mentioned it here as one nowadays saw in print so many absurd statements as to tenants receiving compensation for what they contracted to do or for what the custom of the country did for them, forgetting that if a man took a foul farm he got it at lower rent.

He was not entitled to any compensation for feeding stuffs or manures, as his holding was, as he stated before, a Michaelmas one, nor did he require any compensation, as with a year's notice he could take very fair care of his own interests. His holding was on the limestone formation, and, as his landlord had done all the buildings and drainage, nothing was required except, perhaps, some road-making arising from the wet seasons, which he should propose to his

landlord to do himself under the terms of the Agricultural Holdings Act. On part of the estate where liming was required, the terms of the Agricultural Holdings Act were added to the tenant's agreement.

In mentioning the Agricultural Holdings Act, he wished to state that he considered it a very useful guide to landlords and agents, and also to any tenant-farmer who would study it; but the improvements of the third-class, giving compensation for feeding stuff and manures, ought not, he affirmed with Mr. CLUTTON, to be *legalized*, that is to say, when a tenant with a Michaelmas holding had not less than a twelvemonth's notice.

He gathered from Mr. TUCKER at the Meeting of the 5th December, that "those who framed the Agricultural Holdings Act seemed to him to have been much influenced "by the Lincolnshire custom," and he believed this was generally understood to have been the case, and could not help thinking that this third-class of improvement had originated from following too closely what was called the Lincolnshire tenant-right, without considering the action of Michaelmas and of Lady-day entries to farms.

Now, he believed the Lincolnshire tenant-right to be a useful custom which proved the backbone of the Lincolnshire tenant-farmers who originated the custom; but who, with arable farms held at six months' notice with Lady-day takes, found themselves in a difficulty when at Michaelmas they received notice to leave, after having fed largely with cake through the summer, and after having prepared the root-crop which they would prefer for the good of their sheep feeding off with cake, of which the incoming tenants would reap all the advantage in their future crops, unless the outgoing tenants received compensation.

But a tenant with a Michaelmas take and a year's notice need be at none of this outlay; and, as a tenant-

farmer, he should much prefer taking a farm with no such compensation to pay.

He found that all experienced farmers were of the same opinion, as well as such great scientific authorities as Mr. LAWES and Dr. VOELCKER, as witness their evidence in 1876 before the Chemical Committee of the Royal Agricultural Society. Mr. LAWES said: "The outgoing tenant cannot take out much; I would rather have the land given to me very poor, if heavy land, than have to pay compensation for the manuring of it, provided it was clean." Dr. VOELCKER said: "If I were an incoming tenant, I would not like to give anything for unexhausted improvements; I would get what I wanted direct, and get it cheaper."

To take an extreme case—his farm, for instance, in the wet summer of 1879. As the farm was situated on one of the tributaries of the Thames, he believed that much of the cake fed and manure made and applied to the land was probably in the water supplied to the citizens of London. How injurious to the incoming tenant and unjust to the landowner it would have been had he left the farm that Michaelmas, and, according to the suggested Act, been compensated for the outlay he had incurred.

He found that at the Meeting of the 19th December, Mr. DUNLOP stated that: "The following crop, recognized by the Lincolnshire custom, instead of being an advantage to the tenant-farmer in Lincolnshire, was, in his opinion, a very great drawback, the tenant being called upon to invest a large sum of money for which he got no return." Mr. MARTIN in explanation stated that: "land, subject to the following crop, was not as a rule subject to the custom as to cake and artificial manures." From this it appeared that in Lincolnshire, on a farm with a Michaelmas take, no compensation was allowed. Therefore, he asked, why should the farmers of England, many of whom were under Michaelmas

holdings, be subject to these more expensive entries which so crippled the capital of the incoming tenant? He supposed some persons would argue that, by giving this compensation, a higher class of farming was encouraged, and that the farms were left in better condition. He asked the practical surveyors and land-agents of that Institution did they believe that this would be the case, or was it necessary or advisable to run the many risks.

Reading the accounts of the discussion at this Institution, and at other Meetings, he could not help thinking that this question of Michaelmas and of Lady-day tenancies, and their consequent bearings on the occupation of arable farms especially, appeared, if he might venture to say so, to be little understood by many of those who would legislate on land questions, or even (if not heresy to suggest it) by some surveyors and land-agents, to say nothing of the land-owners; and he ventured to ask Mr. CLURTON, who had so well started this important point as to no compensation for feeding stuffs and manures being necessary for Michaelmas takes with not less than a year's notice, to follow up, with the aid of leading Members of this Institution, and ascertain the workings of these two systems of entry on farms, so as to be prepared to explain their views to those members of the Legislature who interested themselves in the land questions which would shortly be before Parliament.

His own experience was much against the Lady-day entry on farms. He was informed that, originally, all entries to farms in England were about the time of Lady-day, and that as the farming improved, so the time of entry was altered, and he believed that at the present time, in the eastern counties of Norfolk, Suffolk, and Essex, and in many other parts of England where agriculture was the most advanced, few Lady-day entries remained. This being so, why those parts of England which have adopted the

improved system of Michaelmas entries should have to suffer by having forced on them the compensation clauses originating from the antiquated Lady-day entries still in use in Lincolnshire, he was at a loss to understand. On the estate of which he had the management, there were a few Lady-day entries still remaining; but with a short clause added to their present form of agreement, as advised by a well-known and able local land-agent, they hoped soon to get them altered to Michaelmas.

Before he sat down, he would like to give his opinion as to what were the chief improvements specially affecting tenant-farmers, which legislation might effect in the land system of the country.

First. He hoped to see the law of distress well discussed in the Houses of Parliament, as he felt that, though many of the tenant-farmers of the country did not see the mischief the law has done them, none the less could there be any doubt that it has fostered undue competition for farms, and has led to want of care on the part of some owners and of agents in their selection of tenants.

Secondly. He hoped that the Government would take in hand the whole question of local government and taxation, as promised by Mr. GLADSTONE at Hawarden a few days ago. He trusted that the Government would, should they see fit, divide the payment of the rates between the owner and the occupier, so as to enlist the co-operation of the owners, which co-operation was now almost entirely wanting. This division of the rates was advocated at the last Meeting of the Institution by Mr. GREY and Mr. DUNLOP, and by himself, at the London Farmers' Club, in 1869. One often heard of County Financial Boards, but when, as a magistrate, he attended the Quarter Sessions of his own county of Oxford and saw how well the business of that Court was conducted, he frequently exclaimed to him-

self, "What a waste of ability! here are all these gentlemen looking after about only one-fifth of the rates on their properties." And it appeared to him that this would continue to be the case unless the half-rating system preceded the formation of County Boards.

Farming prospects were, without doubt, at this time, far from bright. There had been a series of bad seasons, and that useful class the tenant-farmers was much crippled and disheartened in many parts of the country. The tenants required some good seasons to cheer them and make them sanguine for the future (and they might reasonably expect their return), but it would take some good years to replace their capital. They had also to meet a new difficulty in the shape of the competition of the whole world, owing to the improving steam communication with all parts. There were always these ups and downs, though the last five or six years have been specially bad. On referring to old estate accounts—especially to one such account, which recorded separately the rental and history of each farm from 1821—it appeared that agricultural difficulties were more or less continuous in Oxfordshire till about 1844; and even in 1851 there were returns of percentage. Then came twenty-five years of more or less continuous good times for agriculture—so much so that the competition for farms was great; consequently, many owners, agents, and occupiers ceased to exercise their usual carefulness; and after the good times the reaction was felt all the more severely. Referring to an old estate account book of 1740, he found that the large rents were one-third in arrear, and the small rents one-half in arrear, so that the period did not appear to have been very favourable.

It was very trying for those who, like himself, had arrived at a certain age and saw little chance of recouping the money lost in the last few years; but for younger men was

not this the time to take farms (at least this was his opinion) at the lower rents, and with more liberal covenants than could be obtained in the good times? He firmly believed that great good to the nation would come of these present difficulties, and that the wave of progress would advance for the good of all; and perhaps they might live to see the day when Lady-day entries would be exploded as old-fashioned and unworthy of the times even in Lincolnshire, which of late had been made a bug-bear to those who, as regards Michaelmas entries, have advanced beyond that much-belauded county.

Professor A. VOELCKER (Visitor) was very glad that his friend Mr. DASHWOOD had so strongly advocated the propriety of Michaelmas tenancy. He thought that if the Lincolnshire's custom were confined entirely to Lincolnshire and the adjoining counties, and even there, perhaps, modified or given up altogether, it would be all the better for English farmers. He looked upon the Michaelmas holding, which was practically a holding for two years certain, as one of the greatest steps in advance that could be possibly suggested, inasmuch as it did away with a great deal of the complication and injustice which arose from the practice of giving compensation where no compensation ought to be granted, and not allowing it where, perhaps, it was really fair to give it. He did not know how the Lincolnshire farmers could have got on with their Lady-day holdings without compensation. It would be a great injustice not to give the occupier who left his farm at Lady-day, compensation for what he had laid out in the shape of cake or manure; but all this compensation would be done away with if landowners could be prevailed upon to give their tenants Michaelmas holdings, or, practically, two years certain. Now, in that time, he believed that,

except as regarded a few (perhaps two) manures—bones and lime—the farmer could get an adequate return ; and no man ought to use artificial manure or cake for which he did not get a proper return under a two years' holding without looking for compensation to the incomer. If he did not get a fair return in that time, it was a sure sign that he had not used feeding stuff with the greatest advantage, or the right kind of manure, or the proper proportion for the crops, or that he had not used it at the right time of year. Was the incoming tenant to be punished for the practical mistakes which his predecessor committed ? He had taken great pains in arriving at what he called an unbiassed and an unprejudiced view of the matter, and, without giving any reason when putting the question, had asked hundreds of really good tenant-farmers whether they would like to go on a farm which was, perhaps, in good condition and well managed, but saddled with compensation amounting to several hundred pounds. The best farmers expressed their disinclination to do so, saying very sensibly, “ Why should we pay for things which we cannot handle ? Give us a clean farm and we will pay something extra for what is above ground, but for anything underground what means have we of ascertaining that the right thing has been put in ? ” Now, he knew as a matter of personal experience, from circumstances which came more immediately under his own notice, that a great many artificial manures were put in the wrong place, that a great many more were not what they ought to be, and that such manures were often misapplied or not applied to the greatest advantage. Why should the incoming tenant be punished, he repeated, for the practical mistakes of his predecessor ? Were not the best tenants shut out by the system ? They turned up their noses at these claims, declaring that they did not care what the condition of the

land was, provided that it was clean, the roads in good condition, the hedges fairly kept, and the ditches cleaned out, and that under these circumstances it was not a very difficult matter to put the land into moderately fair condition by good farming and judicious manuring.

He might reiterate what he had stated several years ago in his evidence before the Commissioners of the Royal Agricultural Society, and more recently before the present Commission on agricultural distress, that he would hesitate to give anything in the shape of compensation for such unexhausted improvements as were not visible. Give him manure in a heap, or straw, which he could weigh or handle, —which was something tangible and worth something,—but anything in the ground was a different matter altogether. He remembered a lesson he learnt more than twenty-five years ago, when he began his agricultural apprenticeship, at Cirencester. The farm was managed by a very clever man; but, though he spent a great deal of money on various kinds of manures, the more he spent the less heavy his crop seemed to get, so that he was the laughing-stock of the practical farmers all around. It was plainly pointed out to him that he spent a great deal of money on this farm, and that the crops were very poor. “Well,” he said, “it is all in the ground.” The farmer’s answer to this sort of thing was, “That is all very well; but to get it out again is the question.” That was a lesson which he learnt, and which was very applicable to the present case. It was one thing to put good things in the ground—we knew that even good men got buried, and never came back again—but it was another thing to get them out. Therefore, he held that, unless a farmer could get out again the value of what he put on the land in the shape of artificial manure (with the two exceptions he had named of lime and bones), in a two years’ holding, he had much better not put it on the land at all.

In bad seasons no amount of manure would compensate, on certain heavy land, for the loss which the tenant-farmers had sustained during the last six or seven years; and the greatest credit was due to them for the perseverance and pluck with which they had battled with their difficulties. Those who knew something about heavy land were aware that the best of them had had a very hard struggle, and it was good policy on the part of landowners, by the utmost consideration and by liberal concessions, to make the best of a state of affairs equally bad for farmers and landowners. The present agricultural disasters had been brought about by an unprecedented series of bad years, coupled with competition from abroad and low prices generally. This being so, there was very little that legislation could do to remedy matters, but great benefit would result from cultivating a good understanding between landlords and tenants—much more than from any legislation.

Mr. W. J. BEADEL (Vice-President) felt it his duty to offer any observations that might occur to him in connection with a subject so important as that of the land of this country. The Papers which had been read by Mr. SQUAREY and Mr. TUCKERT related solely to land used for agricultural, as distinguished from land used for building or other, purposes, and, this being so, both those gentlemen no doubt contemplated such legislation only as should tend to the production of the greatest amount of bread for the people. Our land was so limited in area, and its population so great, that it was impossible to feed the people with bread supplied by this country alone. The population might possibly exist independently of beef and mutton, but could not live without bread; therefore, it was of paramount importance to those interested in the land that everything that was possible should be done towards enabling the land to yield its maximum produce, so

that in the event of national difficulties arising they should not have to depend entirely on the foreigner for every loaf they required. Any legislation which tended in this direction, or any improvements in the methods or customs of agriculture, which would help to relieve this country from absolute dependence upon other nations for food, would commend itself to all who took an intelligent interest in the welfare of England.

He agreed very heartily with Professor VOELCKER that a man ought not to be called upon to pay for things of a kind entirely intangible. He was not, however, prepared to agree with him to the extent of saying that compensation should be confined only to bones and lime, for his experience taught him that there were other things besides bones and lime from the application of which to the land the tenant-farmer derived considerable benefit—chalk, for instance.

Professor VOELCKER assented.

Mr. BEADEL : Chalk might not have the peculiar properties of lime, but it was to a certain extent a purifier, and rendered an otherwise inelastic soil suitable for cultivation.

He had some little difficulty in discovering the exact drift of Mr. SQUAREY's Paper, but, so far as Mr. SQUAREY's condemnation of the Farmers' Alliance Bill was concerned, he heartily agreed with him. That Bill, as at present propounded, was, in his opinion, a measure which nothing could justify.

He agreed, to a certain extent, with Professor VOELCKER's observation with reference to Lady-day holdings, but he was not prepared to go the full length to which he and Mr. DASHWOOD had gone in denouncing that period of entry. He (Mr. BEADEL) was well acquainted with Essex customs and those of the east of England generally.

Speaking as an agriculturist and an occupier of land, he was bound to confess that he preferred a Michaelmas to a Lady-day tenancy, for the reason that at Michaelmas the land was undoubtedly more free from cropping than at any other season of the year, consequently the outgoing tenant was in a better position to realize the full benefit of his outlay on the land, while the incoming tenant would enter with the minimum of liabilities to his predecessor. But surely, when one found that the Lady-day custom prevailed in certain counties which were admittedly setting an example to their agricultural brethren throughout the kingdom, it was well to hesitate before indulging in a wholesale condemnation of the Lady-day take. Unquestionably Lincolnshire contrasted favourably with any county in England, whether regard was had to the stability of its farmers, or the exhaustive production of its soil. That being so, there must be some good reason why the Lady-day custom had survived during so many generations in that county, and it was but reasonable to assume that the circumstances which gave rise to, continued to justify the retention of special customs in particular districts; otherwise it was difficult to account for their variety and persistency in different parts of England. Depend upon it, there was some far deeper root (and one which he could not trust himself to speak about) to the present disasters, than questions of Lady-day or Michaelmas entries.

If the Members would refer to a Paper to which Mr. CLUTTON alluded in his observations at the last Meeting, they would find an estimate of the serious extent to which the produce of agriculture—and consequently the income of the tenant—had been reduced in recent years; whether, as some gentleman contended, by the bad seasons or by those seasons combined with other causes. He was probably within the mark in saying that 50 per cent. of the

tenant-farmers had lost the whole of their capital, and the other 50 per cent. one-half of it; and the cycle of disaster had dissipated the savings heaped together during prosperous times by the more prudent of the class. Surely it was necessary, under these circumstances, for the Legislature to come to their help; but it must be in some more substantial form than by the abolition of the law of primogeniture and of entails and settlements.

The abolition of the law of distress had been spoken of as likely to benefit the farmer, and Mr. SQUAREY said that he would not abolish it, but reduce it from six years to one year. Mr. TUCKERT, on the other hand, had averred his belief that the law of distress was never complained of by farmers, and stated that he himself saw no objection to it. Again, Mr. TUCKERT had declared that, so far as restrictive covenants were concerned, he had heard no complaint on the part of tenants; and the only grounds on which he objected to the compulsory enactment of the provisions of the Agricultural Holdings Act was, that the Procedure Clauses did not commend themselves for adoption.

Assuming all these changes and reforms to have been effected six years ago, would anyone contend that the present losses and calamities would have been averted; and, if this was so, what necessity was there for legislation of this description at the present time? Why should these laws be abolished or modified? It was clear, as he had said, that the causes lay deeper, and that a very different species of legislation was needed before prosperity would return to British agriculture.

Mr. J. SHAW (Fellow) believed that the Agricultural Holdings Act had been directly and indirectly much more generally adopted than was commonly supposed, and even indirectly it had affected many tenancies which, but for its

existence, would probably have been in a less favourable position. At the same time he agreed that the procedure clauses had militated to some extent against its more general adoption, and it would be found, on referring to the discussion which took place in that Hall six years ago, that the majority of the speakers condemned these clauses. Some objected to giving reasons for valuations and awards, some to giving details, and others that if the procedure clauses were applied to the existing agreements there would have to be two awards—one under the Agricultural Holdings Act, and the other under the general law or custom of the country. He ventured, on the occasion to which he was alluding, to say that the procedure clauses met with his entire approval, and since that time he had introduced them and the Act, as a whole, as far as he could, and with very satisfactory results. It had been said that the tenant-farmers viewed the procedure clauses with suspicion. The fact was that tenant-farmers troubled themselves very little about procedure. What the farmers wanted was to get all they could on leaving their holdings, generally going to a tenant-right valuer, and saying, “I am about to leave my farm, do the best you can for me.”

As to the Farmers’ Alliance, no doubt very much attention had been paid by farmers throughout the country to the principles enunciated by the Alliance. It could hardly be otherwise under the circumstances so graphically described by Mr. BEADEL. The main aim, as he understood it, of the Alliance, from observations made at a meeting in his own neighbourhood, was “to stimulate the improvement of land by obtaining security for the capital invested by the tenants in their holdings.” That he might say had been the aim of most land-agents, also, for years past.

But in the anxiety to guard the interests of the outgoing tenant, there was some danger of losing sight of those of the incomer : this was a very serious question, the importance of which he felt very much indeed. It was a common experience when endeavouring to let a farm with a liberal tenant-right, to have the incomer object to the large amount of money he was asked to pay ; and a good tenant the other day refused to take a farm of him simply because of the liberal tenant-right given to the outgoer.

Another main principle of the Alliance was to give the present tenant an absolute property in his occupation—a most objectionable proposition. He did not consider that to do so would be to the advantage of the country. It would give a present tenant, perhaps, the opportunity of making a good round sum on going off, but it would operate injuriously in the long run ; and he thought that, as a rule, the tenant-farmers did not understand the advantages they enjoyed under many existing agreements. He had heard people complain that they were not under the Agricultural Holdings Act, but on reading their agreements and ascertaining their real position they found they were much better off than they would be under the Act. In a case which came before him quite recently, gentlemen of considerable experience had reported upon various farms, and it was necessary to refer to the agreements. The Agricultural Holdings Act and a liberal agreement were in operation on these farms. They passed the Act over, however, without alluding to it, but inserted a clause in their report based on an erroneous construction of the real state of things. If gentlemen of experience, whether by inadvertence or otherwise, made mistakes of the kind, what was one to expect from the tenant-farmers themselves ?

Then as to the question of rents. In his own neighbourhood it was stated by the Farmers' Alliance that one thing

was inevitable, and that was a serious drop in the rents. The lowering of rents was one of the main features of the Alliance programme. No doubt very considerable reductions had been already made, and would have still to be made on some classes of land, but these were matters which could be better settled between the landlord and the tenant than by legislative enactment; and he did not find that the tenant-farmers of his own neighbourhood were very anxious for legislative interference of this kind.

There was one subject, however, on which legislation was urgently needed, and it was receiving very serious attention at the hands of many tenants. He alluded to the distribution of rates. The highway rates, as well as the school rates, and sanitary rates were specially onerous. On some estates which he had the management of, the owners built the schools, and the education rates did not, consequently, press much on the farmers, but in many other cases they were very excessive; and, in one instance, he had known of 2s. in the £ charged where expensive schools had to be built in an outlying district. The sanitary rates, also, pressed heavily on the farmer, and he would welcome any relief in respect of rates that the Farmers' Alliance or any other Alliance would procure them.

As to his own experience with reference to the Agricultural Holdings Act. After the passing of the Act, he drew agreements for different properties under his management according to the special circumstances of each case. These agreements were settled, clause by clause, by consultations with the tenants, and he imported the whole of the Agricultural Holdings Act into those agreements, with the exception of Sections 13, 18, 19, 20, 51, and 52. Section 13 was expunged because the agreement was more liberal than the Act; Sections 18 and 19 because they referred to breaches of covenant, by landlords and by tenants, otherwise

provided for; Section 20 because it was considered that the tenant might find it difficult to give a month's notice, and make out his claim in a formal manner before the expiration of the tenancy. Section 51 referred to twelve months' notice. They had previously a six months' notice, but after the passing of the Act it was altered to twelve months with this modification, that in the event of the death of the tenant six months' notice was to be sufficient; and the last section (52) was considered not to apply. That was the agreement, which was drawn as carefully as possible, and of course included many points connected with the letting of farms which were not dealt with in the Agricultural Holdings Act. Various compensation clauses were inserted; and as to the first class under the Act nothing was to be done in that case except by arrangement in writing with the landlord. As to the second class, the compensation was to apply only to raw and undissolved bones and lime, which were the two things specified as being applicable to that district. As to the third class, the words were general in the Act, but in the agreement it was particularly specified what the allowances should be.

That agreement had now been in operation for several years, and, like many land-agents, he had to deal with cases under it, and he had found that it answered. One of the most important points with reference to the procedure clauses was, in his judgment, the appointment of an umpire by the Inclosure Commissioners; and in all the cases in which he had been concerned he had arranged with the incoming tenant as to the appointment of an arbitrator, and gave notice in each instance to the other side that he should require an umpire to be appointed by the Inclosure Commissioners. In some cases it had not been really necessary to do so; but, in order to avoid anything invidious, he had given the notice in each case, and the Commissioners

appointed an umpire. He was happy to say that the cases had been settled without his intervention, but he thought it was due to that provision of the Act that they had been able to settle their valuations with so much facility.

With regard to what had been said about times of entry, he did not know that he had any Michaelmas tenancies. He had formerly had a good deal to do with Martinmas tenancies (the 11th November). Those, however, had been, as far as possible, bought up and converted into Lady-day tenancies. As to altering tenancies from Lady-day to Michaelmas, nothing, perhaps, was impossible; but he thought it would be almost impracticable to effect a change of this kind, as it would involve so great an alteration in the system. There would be no difficulty, he might say, in at once arranging with a Lady-day tenant to become a Michaelmas tenant, inasmuch as he would go out at Michaelmas and get all the benefit of his crop, only paying half a year's rent, but that would be an injustice to the landlord. Therefore, he did not think there was any probability of an alteration of tenancies, in his county at all events.

In conclusion, he would say that he entirely agreed with a previous speaker (Mr. STURGE) "that a good system of "tenant-right, based upon the lines of the Agricultural "Holdings Act, should be extended throughout the whole "kingdom;" and he believed that if this were done, and relief given in the readjustment of the Turnpike Rates, and the School and Sanitary Rates, the tenant-farmers generally and the country at large would be well satisfied.

Mr. W. FOWLER (Fellow) said, with reference to Lady-day and Michaelmas tenancies, that in Staffordshire nine out of ten of the tenancies were Lady-day tenancies. In Warwickshire they were about half and half, and in Worcestershire there were two Michaelmas to one Lady-day

tenancy. He had been brought up to believe that the same period of entry did not suit all farms; and, in his experience, Lady-day tenancies were better suited for light root-growing farms where the four-course system prevailed, and Michaelmas tenancies for strong corn-growing farms.

It had been asked why the Agricultural Holdings Act had not been more generally adopted. He thought it might fairly be said that one great reason was that there was no general necessity felt for its enactment. The proportion of tenants willing or able to improve was comparatively small, and of that small number the proportion who would hesitate to carry out improvements for want of such an Act of Parliament would, he thought, be almost infinitesimal. Generally, improvements, with the exception of buildings, which should be done by the landlord, recouped themselves much more quickly than was generally supposed. Even in draining, which, next to building, was the most permanent improvement of land, he had known the whole cost come back in the first crop; and in days when money was more plentiful than now, no good tenant would hesitate, if he could take a farm with a fourteen years' lease, to drain, and he would recoup himself the cost of it three times over before his term expired. Good farming, as a rule, paid as it went on, if it paid at all. For his own part, when the Act was passed, he saw very little in it to object to, and in those instances where he was allowed to do what he liked, instead of noticing the tenants out of the Act, he sent them a printed form of notice calling their attention to the fact that the Act would come into operation and affect their farm unless the landlord or tenant gave notice in writing to the other before a certain day, and it went on to say: "As agents for
" your landlord, we do not propose to give such notice pro-
" vided you sign and return to us the following Memorandum

“ of Agreement, which we shall be obliged by your kindly
 “ doing at your earliest convenience: W. FOWLER &
 “ SONS.”

Memorandum of Agreement.

“ Notwithstanding anything contained in the Agri-
 “ cultural Holdings Act, 38 and 39 Victoria, Chapter 92,
 “ I hereby agree that the 51st section of that Act, which
 “ provides that a year’s notice, expiring with a year of
 “ tenancy, shall be necessary and sufficient for the determi-
 “ nation of a tenancy from year to year, shall not apply to
 “ the existing contract of tenancy under which I hold
 “ in the parish of belonging to ,
 “ but that the same shall be determined by a half-year’s
 “ notice to quit being given, to expire, as aforesaid, in the
 “ same manner as if the said section of the Act had not
 “ been enacted.”

He looked on the six months’ notice to quit as most valuable and necessary for the protection of the landlord. Certainly, so far as his experience went, there were very few instances where notice to quit was given except to get rid of a man who was either dishonest or altogether unable to continue the profitable occupation of his farm. He saw so little to object to in the Act itself, that he used this notice instead of noticing the tenants out of the Act, and in almost every instance he found the tenant accepted it. But the six months’ notice, if it were necessary before, appeared to him (Mr. FOWLER) to be tenfold more necessary now, in consequence of the operation of the 19th section of the Act: “ Where a tenant commits or permits waste, or commits a
 “ breach of a covenant or other agreement connected with
 “ the contract of tenancy, and the tenant claims compensation
 “ under the Act in respect to an improvement, *then* the land-

“ lord shall be entitled, by counterclaim, *but not otherwise*, to obtain on the determination of the tenancy compensation in respect of the waste or breach, subject and according to the provisions of this Act.” The effect of that was that the Legislature with one hand took away from the landlord the right of making a claim for dilapidations against a wasteful and mischievous tenant, and at the same time, with the other hand, inflicted two years’ absolute tenancy, which was enough time for a dishonest or mischievous tenant to half ruin the farm. Therefore, he thought, as he had said, that six months’ notice, if necessary before, was tenfold more so now.

There was one more remark which he should like to make, and that was by no means a novel one, for it had been made by many gentlemen who had previously joined in the discussion. It was, that on any estimate or scale of compensation whatever, the first thing to be considered was that the outgoing tenant should not be paid for anything except for what he clearly did not enjoy the benefit of. An incoming tenant should not pay for anything which he, as clearly, would not receive the benefit of. The Agricultural Holdings Act limited it in this way. There was nothing better calculated to expose a fallacy than the *reductio ad absurdum*; and, if they would allow him, he would show them by an instance the results that might follow from an adoption of extravagant scales of compensation. In 1870 he took a farm for a friend of his on a nobleman’s estate in Staffordshire. He valued this friend of his in, in 1870, and he valued him out in 1876. He did not know how long the custom had prevailed on the estate, but the landlord bound himself to pay the outgoing tenant on the same scale. And this was the scale: there was an allowance for manure, but no particular manure was specified. The tenant wanted to be paid for nitrate of soda, but he

(Mr. FOWLER) objected to that ; but, in the last years of the tenancy, there were all kinds of things used not (merely bones and lime), and in the last year of all the allowance amounted to three-fourths of the cost of that used ; in the preceding year, two-thirds ; and in the year before, one-half ; in the year before that, one-third ; in the year before that, one-fourth ; and in the year before that, one-fifth ; and the year before that, one-sixth. The scale for corn and cake consumed, whether produced on the farm or purchased, amounted in the last year of the tenancy to two-fifths of the cost price ; in the preceding year, to two-thirds of two-fifths ; and in the year before, one-half of two-fifths ; and in the year before, one-third of two-fifths ; and in the year before that, one-fourth of two-fifths ; and in the year before, one-sixth of two-fifths. The result of this was that the tenant, who entered in 1865, paid for corn, cake, and manure, in addition to his ordinary incoming valuation of acts of husbandry, &c., £369. In 1870, when he (Mr. FOWLER) took the farm for a friend of his (the previous tenant had it for five years), his friend paid on entering, for cake, corn, and manure, the sum of £812. This included £21 10s. by way of repayment to the outgoing tenant of part of that which he paid when he entered five years before. His friend also paid for the usual incoming valuation of straw, &c., and acts of husbandry £538, and for fixtures, in addition, £80—total, £1,530.

The farm was one of about 270 acres, and about 170 acres of park pasture attached to it. In 1876, when he (Mr. FOWLER) valued his friend out, he said, "I think I had better leave now—I shall never be able to make so much ;" and so he valued him out. Mr. JEREMIAH MATHEWS (whom they all so much respected) valued on behalf of the landlord, and when he put the case

before Mr. MATHEWS, stating everything in detail, and calculating it on this basis, he said, "What do you say to that?" "Well," he said, "I cannot dispute your figures," so he allowed him (Mr. FOWLER) every shilling, and there was an end of it, and the result of it was that his friend received for corn, cake, and manure £978 9s. 10d., for acts of husbandry and straw, &c., £311 19s. 6d., and for fixtures, in addition, £36 19s. 6d., making £1,327 8s. 10d. The landlord by agreement was bound to pay the sum; but it proved an obstacle to the reletting of the farm, and he believed that ultimately the landlord sacrificed the whole of the money, and the farm was relet on more reasonable conditions.

Major-General E. S. BURNABY (Visitor) remarked that, when the Bills of Sir THOMAS ACLAND, Mr. SAMUELSON, Mr. CHAPLIN, and Sir W. VERNON HARCOURT were before Parliament last Session, he sent copies of them to the Members of the Leicestershire Agricultural Chamber, of which he was President, and to the Midland Counties Tenant-Right Valuers' Association, and invited them to express their opinion on them, but they declined to do so, alleging that things were gliding on smoothly with them in Leicestershire and the adjoining counties represented by the Association; that they were indifferent to legislation of the kind; that they had a well-recognized system in operation --a system as good for the tenant as for the landlord; and that they saw no advantage in discussing the Bills. He could fully endorse from personal knowledge the statement of the Association with reference to the satisfactory character of the relations of landlords and tenants in Leicestershire.

He thought that too much had been said about the

seven disastrous seasons. A good deal of the distress was due to the withdrawal or contraction of credit by the bankers, who had hitherto lent very freely to the large farmers. No doubt the bankers' reluctance to lend at a moderate rate of interest was traceable to some extent to the law of distraint, and it had occurred to him whether it might not be possible, in cases where the landlord had not the capital to work the land himself, and the tenant had an insufficient amount of capital to farm it properly, to come to some mutual arrangement whereby the banker should have the first distraint on the actual money he lent to stock that land. So far as he had been able to carry out this idea in practice on his own property, he found it equally profitable to himself and to the tenant, getting the money as they did at a much cheaper rate than under the usual conditions.

The tenants in Leicestershire seldom, if ever, laid out any money on the buildings or in permanent improvements of the kind. These were always effected by the landlords, who, in Leicestershire, undertook even the building of schools, a burden which should, in fairness, fall on the owners. It was where the county was parcelled out among the class of small owners that matters of this kind were left to the tenants, and it was this class of owners who put on the screw and exacted exorbitant rents. As an instance, within a short distance of his own house, there were some little accommodation lands for which the tenants had been paying rents representing £4 and £5 an acre. He offered them land of his own, with all requisite rights of approach, at £2 an acre, and let the whole of it to them during the last few weeks, and the gentlemen who were getting £4 and £5 might whistle for such rents again.

He contended that the most prosperous agriculturist was

the man with 50 acres of land and a thrifty, industrious woman for a wife. Such a man in the Stilton-cheese county could afford to pay £2 an acre for grass land, and was glad of the chance of doing so, and, as landlord, he considered this a "Fair Rent."

MR. JOHN CLUTTON (Past President) explained that his observations on the last occasion applied to the third class under the Agricultural Holdings Act, and not to the second class. Lime and bones and chalk were under the second class, and not under the third class, to which his observations applied.

MR. TUCKER, in reply, said his first duty was to thank the Institution for the kind reception which they had given to his Paper, and his second to cordially echo the sincere regret which had already found expression at Mr. SQUAREY'S absence, and the cause of it.

He would begin with that passage in his Paper on which THE PRESIDENT had commented, as to the previous discussion of the Agricultural Holdings Act, because he thought it almost due to his friend Mr. WATNEY just to refer to his very excellent *résumé* of the Act which appeared in the "Transactions" of 7th February, 1876, and the discussion on which was continued during the two succeeding Meetings. If anyone wished, in a short compass, to see all about that Act, he would there find just what he wanted.

This discussion had been taken on two separate Papers, and had extended to the general subject; and he did not propose to travel over the whole ground. His friend Mr. WATNEY had expressed some disappointment that neither

Mr. SQUAREY nor himself (Mr. TUCKER) had told the Institution the remedies for the prevailing distress. Disappointment was apt to result from over sanguine expectation, but he did not think the title of either Paper made any such profession.

In reading the Bill put forward by the Farmers' Alliance, this thought had probably crossed his mind—How did it happen that such an extreme measure was put forward in the name of the farmers, when only five or six years ago a Bill for the express purpose of giving security to tenants' capital actually became law, and yet, so far as he knew, it had never been popular with farmers? Not only had it not been adopted by landlords, but it was a fact that, although he had relet a great many farms since the present depression began, and had been asked by farmers for all sorts of concessions beginning with great reductions of rent, no farmer had ever asked him to adopt the Agricultural Holdings Act. His Paper was an attempt to answer the questions thus suggested, and he thought that the discussion had very much confirmed the two main conclusions he had arrived at—first, that there really is no need felt by any large number of farmers for any such extraordinary legislation as the Farmers' Alliance is advocating; and, in the next place, that so far as there is, or was, any grievance of this sort among farmers, the Agricultural Holdings Act would have proved a sufficient remedy for it, if it had not been encumbered and rendered unpopular by new rules of procedure. He had never said that the Agricultural Holdings Act was the best possible Act, but that it would have been a useful measure if it had simply been declaratory of the rights of the parties, without being hampered by an abortive attempt to change the method of

valuation. Mr. MARTIN (and to some extent Mr. WATNEY, also) had expressed the view that the provisions of the Agricultural Holdings Act were far too general, while Mr. SHAW and other speakers approved them. He (Mr. TUCKETT) feared that if an Act were to apply to the whole country it must necessarily be a little general. If Mr. MARTIN were to try to frame clauses for an Act of Parliament settling what allowances should be made under all circumstances under every different modification of the custom in various parts of Lincolnshire, he would find he would produce a somewhat lengthy document, and if that had to be done for all the fifty-two counties, instead of for one only, it would be larger still. He fully agreed with other speakers in thinking that a well-considered written agreement for each farm was the best thing, but at the same time it might be well to have a general Act to apply in the absence of such agreements, and he was glad to believe that the Agricultural Holdings Act had been indirectly beneficial in promoting improved agreements. He would pass on to his friend Mr. STURGE, with the tenor of whose observations he very cordially agreed. Mr. STURGE had commented on the difficulty of getting perfectly fair tenant-right valuers, and especially on the difficulty of getting them to award dilapidations, and had spoken very approvingly of the provisions in the Agricultural Holdings Act for the appointment of umpires by the Inclosure Commissioners, and other speakers had also spoken favourably of this provision.

He (Mr. TUCKETT) should be very sorry to say a word in disparagement of it. There was no harm in it, and it might probably occasionally do some good, but he was afraid Mr. STURGE and others would be disappointed in the smallness of the result, because, after all, the valuers

who acted in these matters, however appointed, must be the same class of men to a large extent, and it was very much a question of remuneration, and you could not get a very good man unless you were willing to pay him reasonably well. He had had several instances of the extreme difficulty of getting any question of dilapidations or injury, to either land, fences, gates, or buildings, dealt with. He had used for many years a form of agreement (which he had from his friend Mr. BEADEL's father, and which he thought it very likely Mr. BEADEL was himself using) which provided that, on making the outgoing valuation, the valuers should deduct therefrom such a sum as, in their judgment, was a reasonable compensation for any breach of the agreement by the outgoing tenant. But he found, in practice (even in good times when it might have been right to do so), that it was almost impossible, in ordinary cases, to get this carried out. It was not generally the fault of an umpire, but it was generally the valuer of the incomer who stood in the way. It was usual to provide that the incoming tenant should accept the landlord's liability as to the valuation, and, that being so, he naturally expected to appoint his own valuer, and as there cannot be two, the latter must, in fact, represent the landlord also, so far as the latter is represented at all. But such was the force of public opinion among farmers on this point that the incoming tenant was very slow to assume the position of claiming dilapidations; and, if he did, his valuer (depending probably for much of his business on outgoing tenants' sales) was generally exceedingly unwilling to support any such claim.

But when, unhappily, circumstances required it, and the landlord was really prepared to come to the front and incur a little needful expense, he did not believe that, under the

existing system, and without new machinery, it was difficult to find a valuer who would do his duty, and insist on the appointment of an umpire who would do what was fair and just; and as to the umpire, the Common Law Procedure Act could be resorted to if it became needful, if one could depend on one's own valuer. He did not think, therefore, that he had failed to establish his point, which was simply this—that the procedure clauses of the Agricultural Holdings Act, although displeasing by producing change and deviating from the well-understood and ordinary course, did not really effect any great practical alteration; because, under the Agricultural Holdings Act, if one hand over the valuation to the incoming tenant and he appointed his valuer, there would be no more check than at present.

It was a significant fact that in settling a revised Agricultural Holdings Act, in consultation with tenant-farmers, Mr. SHAW told them he struck out the clause under which dilapidations could be claimed as a set-off; and Mr. HUMBERT related how he had been made quite ill by his efforts in inducing the Hertfordshire farmers to accept an agreement containing something of the sort.

— He would just notice the view taken by one whom they all looked up to with great respect. Mr. JOHN CLUTTON considered that all the permanent improvements ought to be provided by the landlord, and that then, if the tenant had one whole year's notice to quit, it would enable him sufficiently to reap the benefit for any cake and manure spent on the farm, which would minimise, if not do away with, any necessity for a valuation. That was a simple remedy, and although he was afraid that some who farmed very high would think it insufficient, it was, at any rate, worthy of great attention.

He thought there was something, if he might be allowed to say so, just a little *naïve* in what Major DASHWOOD, who came before them as a large tenant-farmer (as well as an agent), had said in advising them to turn all the Lady-day farms into Michaelmas ones, because this meant letting a man have a whole crop for half a year's rent, unless, indeed, one could induce the tenant to pay an extra half-year's or quarter's rent, which would not be easy. The truth was it was not easy to arrange these changes, unless a farm happened to come into the hands of the owner, when it was easy to start again at either time as one liked. One advantage about a Michaelmas tenancy was that the rent was always safe, whereas if one let a grass-farm at Lady-day and the tenant failed in the autumn, it was difficult sometimes to get the bad half-year's rent. He did not quite follow Professor VOELCKER about a tenant who hired, subject to one year's notice, having two years' certainty. At the moment of hiring on Michaelmas-day, he would be fixed for two years, but the day before the next Michaelmas he might give or receive a notice, when he would only have one year.

Mr. YEOMAN (Fellow) said that the speaker Mr. TUCKETT referred to, said that in the Lady-day case the man did not have the harvest at all. He believed it was the custom in many cases of Lady-day holdings to have what was called the away-going crop.

Mr. TUCKETT replied that that was very exceptional, and not the ordinary Lady-day tenancy. He should like to say one more word, and that was that it should be remembered that it required a smaller capital to take a farm at Lady-day than at Michaelmas, because one saved the dead half-year's rent.

THE PRESIDENT, in summing up the discussion, said that the Institution should, he thought, take the opportunity of putting the solid sense of this matter before the public, for it was just one of the questions which was thoroughly understood by the Institution and very little by the public at large. With this end in view, it would, perhaps, be useful if he endeavoured to summarize fairly and impartially, and within the briefest possible limits, the main conclusions arrived at in the course of this protracted discussion. Of course, perfect unanimity was not to be looked for either in that room or elsewhere, but on certain points there seemed to be a nearly general concurrence of opinion, and to these points he would confine himself.

First, as to the prevailing distress. Agriculture was, as Mr. BEADEL had said, the primary industry of this as of every other country, and with a distressed condition of agriculture the country could not be said to be really prosperous. This distress had been thoroughly discussed on various occasions, and he might, he thought, safely state that the conclusion at which the Institution had arrived was that the principal cause had been the bad seasons.

The effects of foreign—and especially American—competition had been but little referred to. Now, it was a curious thing that two authorities in that room had come to very opposite conclusions as to the continuance of this competition. One of these authorities put it that the increase of population in America would lead to a greater production and a greater export of corn to this country, while the other authority contended that this same increase of population would cause a greater consumption of corn in America and leave less for shipment to the English market. It was to be noticed that both gentlemen had been across the continent

of America. The origin of the distress being admitted and its severity demonstrated, the next point was the remedies. Several remedies had been suggested. It seemed to be the opinion of the majority of the speakers that the incidence of the local rates required adjustment. Several gentlemen had referred more especially to tithes, and it seemed to be the general impression that an effort should be made to redeem the tithes, with the assistance of the borrowing powers of the Government, who could raise and advance the money at a rate of interest low enough to enable the landowner to extinguish the tithe rent-charge in 40 years, without cost, as had been done in Ireland.

Security for the tenants' capital had been referred to, but, as one of the speakers (Mr. MARTIN) had observed, "one did not hear farmers asking for this kind of protection now," and as others had remarked, some of the tenants had no capital to employ, and, therefore, none to protect. But, however that might be, it seemed to be the opinion of the Members that it was a question which could always be dealt with as between landlord and tenant, and his own opinion was that there has never been a more favourable time than the present for landlords and tenants to approach each other with a view to making fair agreements.

As to permanent improvements, the general impression seemed to be that tenants did not make a large number of improvements of this nature, and that anything they did was for their own benefit exclusively.

Nobody had really condemned the Agricultural Holdings Act as a whole. On the contrary, everybody seemed to admit that it was very useful as a kind of synopsis, for the use of the profession, of the provisions which should be

contained in all leases. No doubt the procedure clauses of the Act had been the subject of some adverse criticism, but it must be borne in mind that the matters dealt with by agricultural valuers were not dealt with so formally as matters heard before arbitrators in that room, and they were not so particular in appointing an umpire. And here he would make a suggestion that though the Inclosure Commissioners could, no doubt, be relied upon to appoint a very good umpire, the Institution could very well be utilized for the same purpose without trouble to anyone. THE PRESIDENT for the time being might be called upon at any time to nominate an umpire in the event of the non-agreement of the arbitrators, and he ventured to predict that such a nomination would be sure to be a safe one, and carry a good deal of weight.

It had been suggested that the landlord frequently suffered injustice in the matter of dilapidations, and it had been urged that provision should be made to meet any grievance under which he might suffer in this respect.

The Lincolnshire custom had been held up as the best, and the Surrey custom, if he gathered rightly, as the worst, custom in existence; but whatever the demerits of the latter custom might be, it was quite clear to him that, if measures were passed in the direction indicated lately, the incoming tenant would have to face something much more serious than the Surrey custom.

All the speakers had concurred in saying, "Be careful "that you do not overweight the incoming tenant." That was the essence of the matter, and it should be brought prominently before the public and the House of Commons. To overweight the incoming tenant would do more to injure agriculture than to benefit it.

The opinion appeared to be unanimous—that very little legislation of any kind was required, and the remarks of Mr. STURGE, under this head, struck him as full of good sense. Another great authority (Mr. JOHN CLUTTON) went a little further than Mr. STURGE, recording his “firm conviction that Parliament could do very little in the matter,” and that “he had no belief whatever in legislative enactments for controlling bargains, which could be made not only as well, but much better, by the individuals concerned.”

Mr. SHAW had very forcibly pointed out the difficulty of converting a Lady-day into a Michaelmas tenancy; but if there were to be legislation on these matters, the result would certainly be the substitution (so far as an Act of Parliament could do it) of one period of entry for the various periods at present adopted in different parts of the country.

What, then, did the discussion amount to, and what, it might be asked, could the tenant-farmer do without legislation of some kind?

What the tenant-farmers wanted more than anything else was capital. Mr. BEADEL had put it strongly in asserting that probably half the tenant-farmers had lost all their capital, and the other half fifty per cent. of it. Some effort would, doubtless, be made by the richer landlords to assist good tenants with fresh capital, but what the farmer needed as much as capital was to learn to look to himself, instead of listening to every agitator who chose to address him, whether he understood the subject or not. Nothing would supersede the necessity for industry and thrift, and the farmer must work early and late at his farm and cultivate habits of patience and perseverance. It was from these sources that

renewed prosperity would come, if it came at all. There had from the earliest times been years of famine and years of plenty, and there must come an end to the present cycle of unfavourable seasons.

The Meeting then adjourned.

FAIR RENT.

BY J. L. PATTISSON (FELLOW).

*Read at the Ordinary General Meeting of THE SURVEYORS' INSTITUTION,
January 30th, 1882.*

THE PRESIDENT, MR. E. RYDE, IN THE CHAIR.

A FEW years back a discussion upon the principles of Fair Rent, in the presence of the Members of this Institution, would have been deemed, if not altogether out of place, at any rate, hardly necessary. "The A B C of the profession! Is there any doubt upon the subject?" would not unnaturally have been asked; and even now the same question is probably in the minds of many of those present to whom the valuation of rent is almost a daily duty. Surely this Hall is the home of fair rent! Are not the reputations of our leading Fellows based upon their constancy and devotion to fair rent? Is it, then, to be suggested that their professional lives have been one long mistake, a delusion to themselves, and a snare to their employers?

And yet this is practically the question raised by that great agitation for fair rent which, commencing in Ireland, has already convulsed that country, and now stands threatening the whole agricultural system of England and Scotland.

We, as a body, paid, I think, too little heed last year to the storm that was gathering on the horizon. Our conscience was easy; we knew that we were on the straight road; and, after all, the black clouds were not immediately over us. But the storm has since broken. Ireland at present bears the brunt, and we see what havoc it is making

there. Already, however, the wind begins to veer, and we know not how soon we ourselves may be overtaken. It needs then, I think, no apology for bringing this subject before the Institution at the present time. On grave agricultural questions, as we were reminded the other evening, we have spoken before now with no uncertain sound, but I venture to ask whether, since the days of the repeal of the Corn Laws, any question of agricultural interest has equalled in importance the legislative step, now on trial, of determining the farm-rents of a country by a judicial Court. Allusion was made by our PRESIDENT in his Opening Address to some of the recent decisions in Ireland and to the principles which have been avowed as guiding them. Those principles will hardly find an echo here, but it is not enough at this crisis to stand by in silence. The Act has been passed; fair rent is now a legal term, though without a legal definition, and it behoves us to see not only that we understand what is meant, but also to take care that we are not consenting witnesses to illogical and fallacious interpretations.

Fair rent is not a term recognized by political economists; rack rents and low rents, rents by custom and rents by competition, are treated of, but the works of ADAM SMITH and M'CULLOCH, of MILL and of FAWCETT, may be searched in vain for any definition of fair rent. Had it been otherwise, much anxiety would have been spared to the framers of the Irish Land Bill, and much valuable time saved in Parliament. The difficulty was recognized by Mr. GLADSTONE, and its importance not under-estimated. In his speech last April, when introducing the Bill, he said:—

“The first purpose will be to find a ‘Judicial Rent’;
 “that rent will be upon the basis of a fair rent, and we
 “have thought it our duty to endeavour to grapple with the
 “very difficult task—where none of the Commission show

“ any particular readiness to deal with it—of giving to the Court some guidance in its efforts to arrive at a fair rent. The words themselves will be found in the Bill. But I may describe the principles as containing a reference to a solvent tenant, on the one side, and, on the other, a due regard to the value of the tenant-right.”

I need not quote the words in the Bill, because the clause survived its birth so short a time. It soon became apparent that, in the case of such tenant-right, estates as those of Lord DOWNSHIRE, Lord LONDONDERRY, and others, where the tenant's interest in his farm usually exceeds, and sometimes doubles, the value of the fee-simple of the land, the clause, as it stood, would have compelled the Court to direct those owners to pay rent to their tenants. But I may perhaps call your attention to the wording of the clause as, after months of discussion, it finally emerged from Parliament, and became part of the law of the land. The measure of “guidance” it contains may, possibly, account for some of the judgments which have since been given under it.

“ The tenant,” &c., says the Act, Clause 8, “ may apply to the Court to fix a fair rent to be paid by such tenant to the landlord for the holding; and thereupon the Court, after hearing the parties, and having regard to the interest of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, *may determine what is such fair rent.*”

In the face of a failure so conspicuous, it may be deemed presumption to attempt any further solution of the problem; but in a matter so peculiarly within the competency of this Institution to appreciate, I do not know that we need shrink from defining fair rent, even though the task has baffled a Cabinet, and proved too much for the united wisdom of Parliament.

Well then, in the first place, what is rent? Agri-

cultural rent, according to RICARDO and the later political economists, is the measure of the pecuniary advantages which any land has over the worst in cultivation—the rent which the worst in cultivation yields being *nil*, or only nominal in amount. By the worst land is understood that which is the least productive—the net produce only being referred to, after all expenses incurred in production, including the cost of bringing to market, the farmer's own remuneration, and the current profit of capital, have been deducted.

“There is always some land,” says Mr. MILL, “which cannot, in existing circumstances, pay any rent; and no land ever pays rent unless, in point of fertility or situation, it belongs to those superior kinds which exist in less quantity than the demand.” And again: “The worst land which can be cultivated as a means of subsistence is that which will just replace the seed and the food of the labourers employed upon it, together with what Dr. CHALMERS calls their secondaries—that is, the labourers required for supplying them with tools and with the remaining necessities of life. This supposition leaves nothing for profits, nor anything for the labourers, except necessities. The land, therefore, can only be cultivated by the labourers themselves, or else at a pecuniary loss, and a portion cannot, in any contingency, afford a rent.”

And again: “Any land yields just as much more than the ordinary profits of stock as it yields more than what is returned by the worst land in cultivation. The surplus is what the farmer can afford to pay as rent to the landlord, and since, if he did not so pay it, he would receive more than the ordinary rate of profit, the competition of other capitalists, that competition which equalizes the profits of different capitals, will enable the landlord to appropriate it.”

Rent then, in short, is the value of the surplus produce of the land after the cost of production, including the farmer's own remuneration, and the ordinary profit on capital is defrayed. It is true that some authorities are not altogether satisfied with the Ricardian theory, but the arguments of M'CULLOCH, of MILL and FAWCETT, are generally admitted to be conclusive in its favour, at least, so far as rents depending upon competition are concerned.

"No one," says Professor FAWCETT, "can reasonably suppose that RICARDO or any of those who adopt this theory imagine that a land steward avails himself of this theory when he is fixing the rent of any particular land. No farmer, when about to rent a farm, asks himself, 'What is the value of this land over the worst in cultivation?' But these considerations do not afford any valid objections against the theory. * * * Although men of business do not use a theory of rent, and have never heard the name of such a theory, yet unconsciously they follow the theory; and the theory will explain the practical consequences connected with the renting of land as completely as if all who were engaged in such business transactions were political economists of the true Ricardian type."

Strictly speaking, the term Rent, as understood in general use, covers more than the payment for the use of the land, as it includes also interest on the capital laid out by the landlord in farm buildings and other improvements necessary or beneficial to agriculture. But where, as in England and Scotland, these works are usually undertaken by the landlord, these two component parts are so interwoven into one that it is unnecessary, even if it were practicable, to separate them; though, when dealing with the subject of Rent in Ireland, it will be necessary to remember the distinction.

Another proposition connected with this subject is one very necessary to be borne in mind at the outset, namely, that rent is not an element of the price of agricultural produce—that is to say, that if all the English land were rent-free to-morrow, corn and meat would be no cheaper than before. The price of food is regulated by the insatiable demand of an ever-increasing population, and if it were not that as population increases new lands are brought under cultivation, that price would advance, enormously. For example, in the time of the Peninsular War, wheat in this country sold as high as 126s. a quarter, though, of course, the cost of production, including rent, would not account for that sum. On the other hand, at the present day, owing to bad seasons at home and large supplies from abroad, much wheat and barley has to be sold at prices that do not pay the cost of production, even excluding rent. But though rent is no element in determining price, price is the important factor in determining rent, because, when prices are high, profits are abnormal, and competition—that competition of capital already alluded to—steps in and forces up the rents till they contract profits within their ordinary margin, while, if prices are too low to allow of the ordinary margin, rents must fall, or farms will be thrown on hand or go out of cultivation, as we can all testify to be the case at the present time. The proposal, therefore, to put a protective duty on corn, though it would certainly benefit for the time being the farmer holding under lease, would eventually only add to the rent that the farm would command directly according to the amount by which the tax raised the price of corn.

Since, then, the worst land in cultivation yields no rent, the rent payable by any more productive land depends primarily upon fertility of soil and convenience of situation, or any other local advantage, such as cheap labour, which

tends to lessen the cost of production. But, though this proposition is self-evident, no practical deduction can be made from it without a starting-point, and here we commence to find the difficulty of adapting the principles of political economy to everyday practice. "We must never forget," says Mr. MILL, "that the truths of political economy are truths only in the rough. They have the certainty, but not the precision, of exact science, and this is especially true of the theory of rent."

Political economy deals not only in general and abstract terms, but sometimes, like other sciences, appears to lose sight of time and other practical everyday considerations. We read of fertility as if it had a definite or scientific meaning. We forget that, to begin with, the farmer's zero of fertility is no fixed point, lands coming into or going out of cultivation according to that demand for food which enables more or less inferior soils to be resorted to with profit. But, assuming for the moment that there is in ordinary calculations an approximate zero of fertility, where is the graduated standard by which we can safely say that one soil is so many shillings a year better than another? I ask, not from the point of view of an owner seeking a general guide to enable him to negotiate on equal terms with his more experienced tenant, but from the point of view of either tenant or landlord under the new legislation, who, deprived of the right to mutual contract, has a right to know the grounds on which his case is decided, and to object, as we already see is insisted on in Ireland, to the *ipse dixit* of any valuer, however eminent. I ask, in fact, from the point of view of a cross-examining counsel—a point of view to which we seem likely soon to be brought face to face.

We may approximate, no doubt, the relative values of clays and loams, of heavy lands and light lauds, of dry and wet subsoils, but how are we to prove the value of the more minute

variations which exist in every soil, nay, almost in every field? We can analyze the soil, it is true—perhaps it would be better if we did so oftener—but the chemist who defines its constituents teaches us also how easily its nature may be altered by rotation, drainage, liming, manures, &c., on the one hand, or by carelessness, stimulants, and continuous cropping, on the other. Yet even Dr. VOELCKER himself would hardly like to decide the intrinsic pecuniary value of any soil, or to assess how large or small a degree of its fertility was due to the farming of the last occupier. The advantages to agriculture of such experiments as those at Rothamstead or Sawbridgeworth, can hardly be over-estimated, but should we be justified in basing upon them our calculations of the capability of the productiveness of a soil, in estimating a new rent? Many able men, tempted by the 14 per cent. returns which Mr. PROUT is able to show, will, doubtless, follow his example. If equal success attend their operations, competition will soon step in, and rents will rise in consequence. Would one be justified in discounting this probable rise?

Or, who is to say what crops any particular soil will grow to the best advantage? Look at the many kinds of produce that now help to make up a farmer's rent—wheat, barley, oats, flax, mustard, clover seed, hay, straw, peas, beans, potatoes, hops, fruit, vegetables, milk, cheese, butter, wool, beef, mutton, pork, &c. These are many, but not all. Still more, who can say, in the ever-varying markets open to the competition, not of one country, but of all the world, what prices will rule from year to year for any of these, or who can foretell, in view of the great development of American agriculture, whether even any of our present corn crops will be grown profitably in this country within a "judicial term" of fifteen years? Mr. GLADSTONE, indeed, goes further and asks who can table the prices, not of future but of past years.

“ The landlords’ interest,” he said, in 1870, “ is not restricted
 “ to wheat, barley, and oats, but extends to all the varied
 “ descriptions of produce. There are no records of the
 “ prices. I defy you to keep records of the prices. They
 “ are sold in every possible way and under every possible
 “ circumstance.” And again, in the same speech : “ It is
 “ impossible, in my opinion, to get the prices of produce, so
 “ as to found the rent upon them by a public authority, and,
 “ if you get them, it would be absolutely impossible to apply
 “ a standard according to the varying circumstances of each
 “ particular holding, and its capacity to produce this or that
 “ kind of produce.”

So, again, we think of convenience of situation, with a hazy idea that somewhere there exists a table of mileage rates. Yet, any day, farms most remote from market, may be brought into competition with those near at hand, by the opening up of a new railway or new roads may greatly diminish the cost of working them, or a village developing into a small manufacturing town may bring new markets to the farmer.

I have said that political economists sometimes appear to take little note of time. They speak easily of rents going up if new fertilizers are discovered tending to increase the produce or new inventions are brought out lessening the cost of production, and of rents going down if prices fall or labour become dearer. The theoretical student is almost led to picture to himself a rental barometer, fluctuating with the markets and sensitive to every strike or new discovery ; but the practical farmer knows, to his cost, how different is the reality. His lease ties him for good or bad ; and, though he may reap some advantages, he often has to bear the burden of changes to his disadvantage. A short time since, the labourers in the Eastern Counties struck for higher wages. The victory temporarily rests with the masters ; but the tendency of

labour is, undoubtedly, to get dearer. What would a farmer say if one bade him be of good cheer, and quoted Professor FAWCETT to show that dearer labour meant lower rent? Would he not ask, and not impertinently, "Had the Professor a lease for twenty-one years when he wrote that?"

The very improvements in machinery which tend to lessen the cost of production tend also, on the other hand, to raise the demand for skilled labour, and still further thereby to diminish the supply of simple field hands, from which the more skilled class is drawn. Again, an unforeseen Highway Act or Education Rate may be imposed which could not have been reasonably anticipated, and thus the liability of local taxation, with its tendency to be ever increasing, imports another element of uncertainty into the farmer's calculation of profits.

The incidence of the tithe rent-charge, and of Imperial and local taxes, is beyond the scope of my Paper, besides having been ably touched upon by several speakers at our last Meeting; but I may refer to the misunderstanding which often exists on the subject. Tithe rent, though part of rent, is in reality no burden either on landlord or tenant. It has existed from time immemorial, and is, in fact, an endowment out of the pocket of the original owner of the estate. The landlord who has since purchased the property and the tenant who has taken the farm have each calculated (or, at least, should have done so) their respective payments with a due regard to the charge. The land-tax also has existed so long as almost to come within the same category; but this, being repaid to the farmer by the landlord, is not sorely felt, as tithe sometimes is, and local rates always are. Yet it is clear that local rates, so far as they represent any fixed minimum or average, come eventually out of the pocket of the landlord, as no prudent farmer

would calculate the rent he could offer without bearing these outgoings in mind, though in times of excessive competition these considerations are, unfortunately; sometimes too little regarded. Any relief, therefore, from local rates will only benefit the tenant so long as present leases exist, and until the ordinary competition of capital again raises the rent to the ordinary margin of profit.

But our calculations on the points already mentioned are as certainties compared to any estimate we can make of seasons and weather. Who amongst us will prognosticate the weather for the next five years, or who of the many thousands engaged in agriculture anticipated or prepared for the six unfavourable seasons we have just passed through?

Moreover, farming is not an operation to be completed in a year. Rotation of crops, *pace* Mr. PROUT, will still be the backbone of English agriculture, and every experienced farmer knows the accumulating results of system and care, and looks forward to a term of years to enable him to profit by them.

Time, therefore, is one of the principal pillars of a farmer's calculation, and any profits that he can reckon upon can but prove likely to be fairly accurate on an average of a term of years—"the rent which a tenant would undertake to pay one year with another," as the first edition of the Land Act had it.

Then farming cannot be carried on without capital. But how much? We speak roughly of £10 an acre. How many farmers I will not say *now* possess that sum, but ever started with it? Yet, in the face of the much larger capitals profitably applied by other farmers, how can we assert that any particular sum is the amount by which a farmer's rent should be judged? Every agent knows, too, how difficult it is to ascertain what capital a farmer really has, and his pre-

cautions may be set at nought after a lease has been granted by the farmer taking from another landlord a second holding. Look at the different results in live stock the command of capital can give, or consider at this moment how many farms are deteriorating because farmers have no capital to invest in either sheep or cattle. On the other hand, I have before me the auctioneer's notes of fifty Hampshire Down sheep from one flock, lambed only last January, and sold fat to the butcher this month at successive public auctions at an average of 79s. 5d. per head. Nearly £4 of money for twelve months. May we take this as a basis of what similar sheep may do on similar farms; and, if not, why not?

Exception has been taken in this Hall and in the press, —and, I think, very properly,—to a recent decision upon fair rent in Belfast, in which the Sub-Commissioner avowed that he valued the tenant as he found him, and not as he might be; but that is to my mind a dilemma insuperable to a judicial valuation of rent. What is the standard, or even average, of a farmer's capacity? If the principle applies to the farmer, still more does it apply to his means. Is it not a similar point to the question of the sheep above?

There is one guide in dealing with the valuation of most trades which would have helped us in regard to rent, but which is, unluckily, in farming, sadly wanting. I refer to properly-kept accounts. Agricultural book-keeping, no doubt, is most complicated, and one need not wonder that it so often resolves itself into the farmer's bank-book alone. But it would be, I am sure, of the greatest importance to farmers themselves if they were able to see from year to year their real farming profits or losses distinct from living and personal expenditure. Owners, it is said, can never farm as profitably as their tenants, but to many a landlord who is now compelled to farm his own land on the

strictest business principles the yearly balance-sheet will be his first practical guide to the rental value. Let it be remembered that there is, in English and Scotch agricultural districts at least, no rental, from the landlord's point of view, apart from the competition of farmers. The only rent he can at any time insist upon, apart from that competition, is the rent he can himself make as a farmer by cultivating his own land.

In point of fact then, every element in the calculation of rent is an uncertain factor, so interwoven with and dependent upon all other considerations influencing agricultural profits, that no estimate can be formed that is not purely speculative. We have seen that soil and situation are the primary base; but what are either of these alone; or what are both together, without sunshine? But soil, situation, and sunshine need a farmer, and it is, after all, on his enterprise, and upon the measure of his individual ability and energy, and last, not least, upon his command of capital, that the net profits out of which rent is paid finally depend. Every estimate of rent, then, is really a speculation, liable to be set at nought, as constantly happens, by many circumstances which neither the farmer nor the landlord can calculate or control.

Well, then, it will be asked, how, if there is so much difficulty, is rent usually determined? I would answer, not by valuation, but by contract, and by contract founded, as in every other business of life, upon competition. The farmer makes his own calculation, or, perhaps, more usually simply judges by the rents which he sees his neighbours around him paying and are presumably able to pay for more or less similar land, and while common prudence restrains him, on the one hand, from proposing a rent that he cannot see his way to paying, so, on the other, competition, or the knowledge that the supply of farms in this country is not equal

to the demand, compels him to offer the highest rent compatible with leaving to himself the ordinary profit of capital and a moderate remuneration for his own time. Other considerations of a personal character, and which cannot be appraised by anyone else—such as home or local associations, or the convenience of the farmhouse for his family or his means—may induce him, in order to make sure of his bargain, to be satisfied with a still smaller share of the profit, and to offer more, in the shape of higher rent, to his landlord, while as a set-off again he may mentally discount the ability and inclination of the latter to help him by remittances in unfavourable seasons.

The landlord starts with a similar basis of calculation ; but, on his side also many personal reasons may influence the bargain. Friendship, feudal associations, a quiet neighbour, sympathy in sport or politics, or a reasonable feeling of security as to punctual payment, may incline him to accept a lower rent than the full market price. It is these personal considerations which temper the bargain of mutual contract, but they are the very ones which a judicial Court cannot legitimately recognize.

Of the two parties to a rent bargain, the owner is usually at a disadvantage in his knowledge and experience of the business on which it is founded. To place himself, therefore, on equal terms with the farmer, he calls in the assistance of a valuator or agent. What, then, is the usual practice of valuers, or, as it may be put, what is the art of valuation? I submit that it is not merely the ability to make a scientific deduction of the net produce any farm is capable of affording, but it is the power to compare successfully any land in its self-evident advantages, or disadvantages, with an indefinite standard existing in the mind of the valuer ; that standard being in reality his knowledge of the rent payable, or obtainable, in the open market

for other land of a like character and more or less similarly situated.

"Few valuers," says Mr. BAYLDON, the well-known authority, "take the trouble to fix the rent by this, or "indeed by any, method. They simply judge by comparing "it with the rent of adjoining land, or by the common rate "of the rents paid in the neighbourhood." Again, Mr. TUCKER, in his prize essay on land-valuing, writes: "But, "after all, the true value of an article is what it will fetch "in the market; and I see no reason why this principle "should not apply to the rent of land as well as to every- "thing else."

Judge LONGFIELD goes further. "The settlement of "rent by valuation," he says (in the Cobden Club Essays), "appears just only to persons who do not know what a "valuation of land is, and always must be. The value "certainly is that rent which a solvent tenant will be ready "to give for the farm on a lease of moderate duration. And again: "As soon as the possession of land ceased to "be a subject of contract by mutual agreement, the "valuators would have no average market value to "refer to, and would form their estimates on the wildest "principles." While Judge FLANAGAN, another well-known Irish Judge of great experience in the Landed Estates Court, in his evidence before Mr. SHAW LE FEVRE's Committee of 1878, speaking at the moment in reference to the grazing farms of his own district, said: "I would rather have the "opinion of a herd living on the property than the opinion "of all the valuers in Europe."

But, perhaps, the simplest argument, to show that valuation based on scientific principles alone is no index to the fair rent, is to appeal to the present times. If science and history teach us anything, it is that seasons revolve in cycles more or less definite. After our long spell of

unfavourable seasons, therefore, the scientific forecast for the next "judicial period" should be highly favourable, and, as we are told on all sides that sunshine alone is wanted to raise the drooping head of agriculture, our estimate of rents should now be high. Yet, of what avail would be such a guide at the present moment to the landlord with endless farms on his hands for which no tenants are forthcoming?

I do not mean to say that no valuations have been made on scientific calculations, because the great Ordnance valuation of Ireland, commonly known as Griffith's Valuation, was distinctly based on the net produce that the land ought to afford, and not on the market price of rent; and, though this valuation was made for the purpose of a uniform poor law assessment, and not for the purposes of rent, it was of too important a character to be passed over without reference in a discussion of this subject.

The instructions issued to the valuers who were employed in that great work form one of the most useful essays we have on the various considerations affecting farm profits; and few persons are aware of the elaboration and minuteness of the rules of guidance laid down. They have recently been reprinted by Mr. FITZGERALD in his opportune book on the Valuation of Rent in Ireland, and are worthy the attention of those who have not already seen them. They bear out, too, in a remarkable manner Mr. GLADSTONE's dictum of later years, viz., "The mathematical result "is that, if you attempt to fix the valuation of rents by "public authority, you must, likewise, undertake to fix the "whole conditions of every agricultural holding."

Not only were standard prices given of all kinds of agricultural produce—these were fixed by Parliament for the purpose,—but Mr. GRIFFITH added tables, showing the analysis of the constituents of plants, manures, and rocks, for comparison with the soil, together with tables of the

average maximum cost, produce, and value of crops in ordinary cultivation, both for one year and for a farm of 100 acres under a five years' rotation for land in a medium or ordinary situation. Arable soils were divided into twelve heads, and to each head was given a maximum and minimum price, within which the intrinsic letting value of the land might be considered to range. Pastures, too, had twelve subdivisions, according to their stock-carrying-power, or capability of dairy produce. The cost of tillage, and other expenses and outgoings, were systematically scheduled, even, for instance, down to the commission paid on the sale of cattle. Deductions were to be allowed for exposure to west winds, or for steepness of situation involving extra labour in ploughing, &c., while additions might be made for vicinity to seaweed or limestone quarries. Sliding scales for altitude, or for the value of the distance from market or manures were included, and the topical influence of neighbouring towns in regard to accommodation land is noted according to the rates of their population; while, of course, the advantages of railways, canals, and good roads are not overlooked. This valuation took thirteen years to complete. Naturally, during that interval, many of the prices changed, and the result is somewhat unequal, even for the purpose for which it was intended; but the fact that it was carried out on a uniform plan throughout the whole island gave it a comparative value for rental purposes of a very different character to the haphazard and independent decisions now being judicially pronounced in Ireland.

It does not, however, I think, affect the bearing of my previous arguments; and, therefore, I venture to contend that fair rent is, after all, only our old friend the market price, or the best rent of the day, as leases have it; not the reckless rent offered by a penniless speculator, but

the rent that a solvent tenant would undertake to pay in the open market on a lease, say, of twenty-one years; a rent based on competition, tempered by common sense; a contract guided by the same principles as determine our other business contracts, when, in advertising for tenders, we add the words, "the lowest tender not necessarily "accepted."

But it will be said that fair rent in Ireland is very different to fair rent in England or Scotland; and that it is, after all, only in Ireland that a Rent Court is likely to be established. I fully admit the different circumstances of Irish tenure, but I think a little examination will show that fair rent in Ireland is equally determined by competition, though, in the words of the Report of the Bessborough Commission, "it is not contemplated that, after deducting for "the tenant the cost of cultivation and the ordinary profits "of his trade, the whole of the surplus receipts should be "the unquestioned property of the landlord."

The great difference between Irish and English tenures is that, whereas in England the landlord, as a matter of course, erects the farmhouse and buildings, and executes generally all the permanent improvements, in Ireland the practice, speaking broadly, is reversed, both buildings and improvements being usually undertaken by the tenant. It is clear, therefore, that an Irish tenant should pay, *ceteris paribus*, a lesser rent than an English one. In fact, that portion of rent which represents interest on capital, in Ireland generally belongs to the tenant, or in other words, a part-ownership in the rent is set up. The Irish Land Act of 1870 legalized and protected this right to the tenant, and gave him also a further right to compensation for capricious disturbance over and above the value of his unexhausted or unrecouped improvements; but the framers of the Act were careful to assure Parliament that no proprietary right in *the*

soil was thereby created. Under the Ulster custom the tenant's interest is more extended still, not being confined to the strict value of his improvements, but including the right, whether holding under lease or at will, to sell his occupation to the highest bidder; yet, even here, the right to the landlord to fix or increase the rent, and, consequently, in some measure to control the tenant-right, was always recognized, and the purchaser accepted the risk. The Act of 1870 legalized this custom also, and protected the prescriptive rights which the tenant had gradually acquired under it. The Act of 1881 goes somewhat further, and directs that in deciding a fair rent the tenant's interest under the custom shall be fully considered. The Act provides, it is true, that the mere amount given by a tenant for the goodwill of any farm shall not, apart from other considerations, be deemed a ground for reducing the rent; but no line of demarcation is laid down, and the distinction is too subtle for the ordinary Irishman, as already in a land trial at Belfast the tenant's advocate has pleaded, though unsuccessfully, the excessive sum paid for the tenant-right, in support of his claim for a revision of the rent.

The Act of 1881, therefore, extends the joint ownership in rent, and gives to the tenant a proprietary right in his farm, which entitles him to a share in the surplus profits out of which rent is paid. The only difference, however, that this can make in the calculation of rent, is the relative share to which the landlord and tenant are respectively entitled. The gross rent itself must be first determined, and can but be determined, I submit, on the same principles as in England or Scotland.

Take, for example, the case of a farm on Lord Downshire's estates in Down and Antrim. These estates represent somewhere about 80,000 acres of agricultural land, and the agent of the property, in his evidence before the Duke of Rich-

MOND's Commission, has stated that, while the average annual rental paid to the landlord is 18s. per statute acre, the average value of the tenant-right as paid by the incoming to the outgoing tenant is £40 per acre. The practical gentlemen before me can easily judge whether any buildings or improvements suitable to an agricultural holding can represent £40 an acre, but can anyone dispute for an instant that the fair rent of that land per acre is the 18s. paid to the landlord, plus the interest, say, at 4 per cent. on the £40 paid to the outgoing tenant? This, it will be observed, is no case of landlord oppression, as the weight of the rent is decided between the two tenants. I do not mean to say that apart from such keen competition as exists in Ulster (the effect by the way of the manufacturing prosperity of that province), the rent of that land from an agricultural point of view only would be fixed at 50s. per acre, but I contend that you cannot ignore that competition.

Competition is a higher ordinance than any human law, and has been well described as the mainspring of our social progress. The Irish farmer competing for land, whatever may be the motives that impel him, is but an example of that struggle for existence in which we are all engaged, and his lot in this respect is no better nor worse than that of the professional man above him or the labourer below him in the social scale. If a reckless man outbid his prudent neighbour, surely it is with the latter that our sympathy should be. Is it not a manifest injustice to the prudent man, if afterwards his competitor's rent is reduced by law to the price at which he himself would have taken the farm? If competition be stemmed in the direction of rent, it breaks out elsewhere, under the name of tenant-right. What, then, can be said for a law, which under the semblance of fair rent, and the plea of protection to the

weak, forbids the landlord to profit by competition, while encouraging the present tenant to excite it to its highest point, and so force from his heir or his assignee a higher rent than ever? I have said purposely from his heir because, so strong is the faith of the Irishman that he is bound to divide his property among all his children, that on the death of the occupier who leaves more than one child, if subdivision of the land be prohibited, the interest in the farm is in most cases charged for the benefit of the family at the top market price and sold to the son who succeeds as if a stranger were the purchaser.

Time will not allow me to enter into the causes of land-hunger in Ireland. It is, after all, in the case of the small occupiers who form the majority of Irish tenants but the competition of unemployed labour, and of labour which, owing to the cheapness of potato food, is satisfied with wages, the labourer being his own master, so low that we can hardly credit them. But if that competition is so hurtful to the State as to require legislative interference, would it not, rather than to sacrifice principle to expediency in the vain attempt to stifle free contract, be a sounder, a wiser, and, may I not say, a juster policy to counteract it by developing new fields of labour in the encouragement of Irish fisheries or Irish manufactures, or in aiding the small cottier-farmer, the wretchedness of whose existence can hardly be appreciated in this country, to the attainment of that higher, more useful, more independent, and more happy life which our colonies undoubtedly offer him?

In conclusion, I need hardly say that, in venturing to submit these considerations on Fair Rent, I have endeavoured to present them in the aspect which I conceive they are bound to be considered by a Judicial Court, rather than from the pleasanter point of view of an agent mediating

between landlord and tenant, enjoying the confidence of each, and knowing their mutual personal interests, who is called upon under these circumstances to advise a rent acceptable to both, yet consistent with the rent which would be obtainable from another, and whose advice after all need not necessarily be adopted by either side.

A vote of thanks having been passed to Mr. PATTISSON for his Paper, on the motion of Mr. D. WATNEY, seconded by Mr. E. P. SQUAREY, the discussion on the Paper was postponed until the next Meeting.

AT
THE ORDINARY GENERAL MEETING,

Held on Monday, February 13th, 1882.

THE PRESIDENT (MR. E. RYDE) IN THE CHAIR.

The adjourned discussion on the Paper, by Mr. J. L. PATTISSON (Fellow), entitled "Fair Rent," read at the Ordinary General Meeting of Monday, January 30th, 1882, was resumed by—

Mr. E. P. SQUAREY (Vice-President), who said that he proposed to speak a few words with reference to certain portions of the Paper. Mr. PATTISSON had charged his Paper with extracts from such high authorities on Political Economy that it would be extremely difficult to take exception to any one of them, or even, what was more remarkable, to any one of the conclusions which he had drawn from those extracts, and he felt that what he had to say would be rather confirmatory than in any sense in opposition to the views which Mr. PATTISSON had put forward.

At page 122, Mr. PATTISSON gave an extract from MILL which was singularly interesting. He (Mr. SQUAREY) had read MILL's works, and recommended them to every young man present, but he confessed that the paragraph referred to had passed out of his mind—possibly because the circum-

stances under which he read it were not those of the present pressure and anxiety. The passage was this: "The worst land which can be cultivated as a means of subsistence is that which will just replace the seed and the food of the labourers employed upon it, together with what Dr. CHALMERS calls their secondaries—that is, the labourers required for supplying them with tools and with the remaining necessities of life. This supposition leaves nothing for profits, nor anything for the labourers, except necessities. The land, therefore, can only be cultivated by the labourers themselves, or else at a pecuniary loss, and *à fortiori* cannot, in any contingency, afford a rent."

The corollary to Mr. PATTISON's remark was this—that in the neighbourhood in which he lived, and with which his friend Mr. CLUTTON was very well acquainted (the district adjoining the New Forest), the land was so poor that under no circumstances could it be expected to afford anything in the shape of rent, and yet rent was paid by extremely honest tenants, and they used that poor land as their *pied à terre* and home, and paid rent, not from the produce of that land, but from the labour they bestowed in other districts, for which they were well paid. He mentioned that to show that practically there might be a population which lived and flourished and saved money in a district where the land was of the low quality referred to by Mr. MILL in the paragraph quoted by Mr. PATTISON.

On page 130, Mr. PATTISON said: "Exception has been taken in this Hall and in the Press—and I think very properly—to a recent decision upon fair rent in Belfast, in which the Sub-Commissioner avowed that he valued the tenant as he found him, and not as he might be; but that is to my mind a dilemma insuperable to a judicial valuation of rent. What is the standard, or even average, of a farmer's capacity? If the principle applies to the farmer,

“ still more does it apply to his means. Is it not a similar point to the question of the sheep above ? ”

He had to remark on that paragraph that, practically, as land-agents, they had to deal with tenants, not as they would have them to be, but as they are. A client of his, with whom he was riding over his estate, once said, “ Why cannot I have all such tenants as A ? ” (they were then among the rest of the alphabet, men with merely average capacity for farming, the fences and roads out of order, and the management generally untidy and poor) and his reply was “ because you have to take men as you find them.” His client was a good landlord, but there was no special reason why he should have all the exceptionally good tenants, and the next estates all the bad ones. It would, probably, be admitted that there was a preponderance of bad tenants. Hence, he ventured to think that the Sub-Commissioner referred to had some ground for his conclusion when he said that he valued the tenant’s future rent as he found him and his surroundings. Without expressing an opinion as to the propriety or impropriety of the decisions of the Commissioners under the Land Act, something was to be said in their favour, who, in dealing with rents, would be obviously bound to consider the quality and ability of the tenants who are expected to pay them.

In simple and expressive words Mr. PATTISSON had said (page 132): “ Other considerations of a personal character, “ and which cannot be appraised by anyone else—such as “ home or local associations, or the convenience of the farm-house for his family or his means—may induce him, in “ order to make sure of his bargain, to be satisfied with a “ still smaller share of the profit, and to offer more, in the “ shape of higher rent, to his landlord, while as a set-off “ again he may mentally discount the ability and inclination “ of the latter to help him by remittances in unfavourable

"seasons." He thought that Mr. PATTISSON had expressed clearly that which operated very largely indeed with tenants in taking farms, and which likewise operated, of course, with landlords in letting farms. His partner, who, besides having a valuable knowledge of land, had an equally valuable knowledge of human nature, agreed with him that sentiment practically added 5 per cent. to the rental value of land in England. Mr. PATTISSON had put it more clearly, but still there was the feeling which lawyers called "*pretium affectionis*," which largely affected the value of land.

Further on, Mr. PATTISSON, in dealing with the question as to how rent was to be arrived at, said: "Of the two parties to a rent bargain, the owner is usually at a disadvantage in his knowledge and experience of the business on which it is founded. To place himself, therefore, on equal terms with the farmer, he calls in the assistance of a valuator or agent. What, then, is the usual practice of valuers, or, as it may be put, what is the art of valuation? I submit that it is not merely the ability to make a scientific deduction of the net produce any farm is capable of affording, but it is the power to compare successfully any land in its self-evident advantages, or disadvantages, with an indefinite standard existing in the mind of the valuer." When, in his earlier life, he had more time at his disposal, it was always a rule in their office that the valuation of every farm, or of every set of farms that was valued, was confirmed in each case by what they called a "produce valuation," i.e., they tested the figures arrived at in the field valuation by estimating the amount of produce which might be fairly expected under reasonable and proper management of that farm—of course, embracing also in the account an estimate of the working expenses so far as they were able to assess them.

He commended such an arrangement as that to every

young man who was called on to value a farm. He believed nothing would tend to correct an error of imagination more than a hard, definite, distinct statement of what he believed each variety of land he was called on to look at could produce, and what the probable cost of such production would be. It might be expected that such a course was likely to limit and correct the ideas as to the capacity for production, where the experience of the valuer enabled him to recall what the probable amount in each case would be, and to take into consideration, if he might so express it, the debit as well as the credit side of the account.

On page 133, Mr. PATTISSON quoted an extract from Mr. TUCKETT's essay on "Land Valuing," where he said : " But after all, the true value of an article is what it will " fetch in the market, and I see no reason why this principle " should not apply to the rent of land as well as to everything " else." He concurred in his friend Mr. TUCKETT's statement, but, like most human things, it required to be accepted with a qualification. The sharp experience of the past few years would assure them that any man who had simply gone into the market and expressed his disposition to take the highest rent which could be promised him (and which probably he would not receive), had made a mistake of a kind most damaging and dangerous to his estate. His (Mr. SQUAREY's) experience was, that such a policy was likely to lead to the selection of an inferior class of tenant.

Judge FLANAGAN's remark in the Landed Estates Court, that he " would rather have the opinion of a herd living on the property than the opinion of all the valuers in Europe," was interesting; but his experience was that, however much the herd might know—and undoubtedly he did often know a good deal—a labourer or the bailiff on an estate, the persons living round it, and the inhabitants of the neighbouring village, invariably over-estimated the

value of the land and its productive capacity. They always thought the produce might be improved and increased, because they applied to a hundred acres of arable land the same conclusions which applied to the gardens at their own back-doors.

At page 138, Mr. PATTISSON with great felicity instanced the statement of a practical witness before the Duke of RICHMOND's Commission, that the amount of tenant-right on certain estates in Ulster was £40 an acre, paid by the incoming to the outgoing tenant, while the average annual rent paid to the landlord was 18s. an acre; and added:—
 “The practical gentlemen before me can easily judge whether
 “any buildings or improvements suitable to an agricultural
 “holding can represent £40 an acre, but can anyone
 “dispute for an instant that the fair rent of that land per
 “acre is the 18s. paid to the landlord, plus the interest, say,
 “at 4 per cent. on the £40 paid to the outgoing tenant?”
 It appeared to him that, here, Mr. PATTISSON had touched the whole question of the Irish Land Act, because it was obvious that the Court which was called on to settle the question of fair rent, between landlord and tenant, by giving the tenant the power to assign, practically deprived the landlord of the marketable value, to rent, of his property, whilst the tenant, practically, in the sale of his tenant-right, had the power to take a capital sum, representing, not only his tenant-right, but as much more as the rent fixed by the Court was less than the true market value. The landlord thus suffered a great wrong, and the Land Act could not operate as was intended, unless the sale of his interest by the tenant were subjected to restrictions as to price, akin to those under which a “Fair Rent” was fixed in the first instance, between landlord and tenant, by the Court.

The object of the Land Act could not be fully and fairly carried out so long as the tenant had the right to take, in a

capital sum, the difference between the amount which he paid the landlord and the true market value as settled by competition.

Mr. PATTISSON went on again to say: "If a reckless man outbid his prudent neighbour, surely it is with the latter that our sympathy should be. Is it not a manifest injustice to the prudent man, if afterwards his competitor's rent is reduced by law to the price at which he himself would have taken the farm?" He thought that was a true expression of the injustice incident to departure from freedom of contract. Without asserting that nothing should have been done for Ireland, and that absolute freedom of contract should be allowed to operate there, yet he saw, in the direction indicated by Mr. PATTISSON, that there was an opportunity of grave wrong being done to the Irish landlord, and a power was conferred on the tenant appropriate to that which, belonging to the landlord, was taken away by the Legislature, with the intention and expectation that the actual cultivator should gain the benefit.

Mr. C. G. GREY (Fellow) had read Mr. PATTISSON'S Paper with great interest, and he agreed with him that competitive rent was the ultimate standard of value, but he could not go so far as to say that it was always to be taken as a guide. His experience—he spoke with special reference to the north of England and the south of Scotland—was that competition had raised the rents a good deal too high, even in good times, as was clearly shown by the failures which had taken place, and the great reductions which had been made during the last few years, mostly in cases of land let on lease. Where leases had fallen in, he knew instances in which the rents had dropped 40 or 50 per cent.

The author professed his inability to decide what was a fair rent in the absence of competition, but, as a practical

fact, he (Mr. GREY) had found on estates where the farms were not put up to competition, but where the old tenants were almost invariably treated with again, a fair rent was arrived at by discussion between the agent and tenant.

He would add a word or two about Ireland, as he had some experience of that country ; but it must be most distinctly understood that what he said referred entirely to his experience during the last 30 years, and was wholly unconnected with his official position in relation to the Land Commission.

There was a fact which very few gentlemen, not acquainted with Ireland, were aware of, and it was this—that while in England the tenant generally treated on equal terms with the agent for a new lease or an adjustment of rent, and had it always in his power to say that the rent was too high and that he would not pay it, and preferred to leave the farm, the Irish tenant, on the contrary, too frequently had to deal—especially on the small estates, though there were many exceptions—with agents whose only object was to screw the last penny out of the tenant.

It never occurred to the Irish tenant that the alternative to not paying the rent was to give up his farm ; and he persisted in holding on to the last moment, in spite of all attempts to turn him out. This was a point which ought to be borne in mind by those who criticised the Act of last Session, by which a Court had been called on to interfere between the landlord and tenant ; and if that class of tenant and agent had not existed in Ireland, he believed the agitation which led to the Land Act would never have occurred. He spoke from his experience in all parts of Ireland for many years past, and was not alluding to the events of the last few weeks.

Mr. J. SHAW (Fellow) said that Mr. PATTISSON's Paper

was so very able and exhaustive as regards this subject, that it was very difficult to find any point not alluded to. At the same time he felt that the subject of fair rent was one of such importance, particularly at the present time, that no Member of the Institution should shrink from expressing his views upon it. He assumed, of course, that the discussion would be confined to the consideration of fair rent with reference to agricultural tenancies alone. He entirely agreed, he might at once say, with Mr. PARRISSON'S enumeration, on page 123, of the elements which went to make up a fair rent—viz., that it “is the value of the surplus produce of the land “after the cost of production, including the farmers' own “remuneration and the ordinary profit on capital . . . also “interest on the capital laid out by the landlord in farm “buildings and other improvements,” though there were, of course, additional considerations which might be specified, and which every practical agent was familiar with. The conclusion to which Mr. PARRISSON came (page 131) was that rent was to be arrived at “by contract, founded, as in “any other business of life, upon competition.”

Practically, no doubt, rents were regulated by the law of supply and demand, but he was hardly prepared to admit that they were settled by competition. According to his own experience (of course he was now going back to better times than the present) the landlord or agent fixed what he considered to be a fair rent for the farm, making the best terms he could with the tenant selected, whether the applicants were one or forty. At the present time, unfortunately, there were not many applicants, and though no doubt the principle of competition might to some extent come in, in his judgment fair rent was what a farm was fairly worth, according to the definition before given, and not the rent that might be realized by competition.

He could instance many farms which were let at the

present time at rents acknowledged to be considerably under fair rents. Take a case very familiar to them, where a farm was known to be well worth the rent hitherto paid for it, but, to use an Irish expression, it now was "Boycotted;" and as a consequence could not be relet except at a greatly-reduced rent. He could instance, also, cases where tenants had made excellent bargains during the last few months. One tenant who was leaving told him the other day that he was perfectly satisfied with his old farm, but, seeing his opportunity of making better terms, he was going to take advantage of it. He (Mr. SHAW) knew one of the best farms in the country, which the tenant, by accidental circumstances, held at the present time at a rental considerably below its real value. Therefore competition, as he had said, did not always ensure a just rent.

No doubt the present times were exceptional, but he did not think there should be much difficulty on an average of ordinary seasons in settling a fair rent or arriving at a graduated standard according to the different soils. He had no doubt, as Mr. SQUAREY had observed, that many land-agents had made elaborate calculations from time to time as to the produce of farms. He confessed, when he was young and had more time on his hands, he had done the same thing himself, and he supposed no land-agent had much difficulty in demonstrating pretty clearly in that way the grounds on which he had settled his calculations. In the old tithe days Surveyors had to estimate the produce and charge the tithe accordingly from year to year, and, under the Tithe Commutation Acts, the basis of calculation was the intrinsic value of the land according to its productive capacity, without reference to such considerations as situation, or anything of that sort.

That plan of procedure alone, however, was not applicable to modern times. The country was much changed by rail-

ways and improved communication of all kinds, and in his own district and elsewhere the great development of the milk trade had created a perfect revolution in farms, and had materially affected the rent of land. He had under his charge a very large estate in a remote part of Staffordshire, far away from all railway communication, where the tenants had to depend on the making of cheese at their own houses, or at the cheese factories in the district, and he found, from a return put into his hands, that the payment they received for their milk during last season was something like *5d.* a gallon—a most unremunerative price—while in the southern part of Derbyshire, where there were farms immediately contiguous to railways, and the milk could be sent to London or elsewhere, the average price during the same period was something like *7d.* per gallon. This showed how great might be the difference between the circumstances of two localities, and how very different were the calculations required in the present as compared with former times.

He thought that the valuation in all cases should assume a good tenant, with proper capital, and should embrace an average of years, and not follow the Irish case, where the principle was, as the Sub-Commissioner affirmed, to value the tenant as one found him, and not as he might be—a principle which he considered most erroneous.

It was true, as Mr. PATTISSON had said, that rents would vary from time to time, according to the change of circumstances. For instance, no fixing of rent could continue to be fair where the circumstances changed, either as regards railways, or parochial or imperial charges.

A good deal had been said in that room and elsewhere as to tithes, rates, and taxes, and he would just say that the plan he had always adopted in making a valuation was to value the land at what it was fairly worth, clear of all charges, and then to deduct, as far as he could, the actual

charges he found existing. The matter as to Poor Rates had, of course, been simplified by the introduction of the Union Chargeability Act, but there were school rates and highway rates to be taken into account, and their amount and incidence were fair subjects for consideration in settling rents. He instanced these matters to show that everything depended on the judgment and experience of the valuer, and because he did not quite admit that the rent obtained by competition only was generally the fair rent which ought to be charged.

The author had said, "In conclusion, I need hardly say
 " that in venturing to submit these considerations on fair rent,
 " I have endeavoured to present them in the aspect in which
 " I conceive they are bound to be considered by a Judicial
 " Court, rather than from the pleasanter point of view of an
 " agent mediating between landlord and tenant, enjoying
 " the confidence of each, and knowing their mutual personal
 " interests." He did not, of course, agree with a judicial
 fixing of rent, because he believed, as he had before
 expressed it, that the rents could be more fairly and
 accurately fixed by consultation between an experienced
 agent and the two parties to the contract. He was not
 going to say anything about the Irish Land Act, but,
 speaking generally, he did not see that there should neces-
 sarily be any difference as regards the fairness of the rent,
 whether fixed by a judicial authority or in any other way.
 Fair rent was fair rent, in whatever way it might be arrived
 at.

Mr. W. BIDDILL, M.P. (Visitor) wished that Mr. PATTISSON had introduced this subject twelve months ago, for if it had got into the hands of his friends at St. Stephen's they might have profited by it, and might have taken a more practical view of rent than they took when legislating

for Ireland. Mr. PATTISSON's views appeared to be in accordance with BUTLER's axiom of value—

“The value of a thing
Is what in market it will bring.”

It was a difficult proposition to gainsay, but at the same time he thought there ought to be a calculation in everybody's mind for arriving at a value. In the present distressed state of agriculture there were lands to be met with that were literally worth nothing; there were many farms to let, and not a single applicant for them and the question arose, What is the market value if nobody is inclined to buy? What agriculture was suffering from was a want of capital.

Confidence in the future had to a certain extent revived, but where was the money to do what was required to restore fertility to the land? Those who had money would not lend it to their friends to go into farming, as they used to do formerly. Taking his own experience last Michaelmas, he had not a single application from a young man seeking a farm, and going into business for the first time. Things had gone so adversely with the father that he was not in a position to put his son out, and, this being so, he felt that the present state of things was so exceptional that Mr. PATTISSON's theory of value, viz., “What in the market it will bring,” was not quite applicable. He was rather inclined to endorse the view of Mr. SQUAREY that everybody should fix the rent according to his own notions, based upon general calculations supported by experience. He had known farmers who roughly calculated that a corn farm was worth 6*d.* a bushel. He himself always went to work in this way—not attempting to arrive at the rent in the first instance, but after deducting all outgoings for rates and tithe. In dealing with the lower class of farms in the eastern counties—the sheep farms—he had been in the

habit of arguing, "This farm will carry, say, ten score of ewes, and the produce grown will be so much rye and so much wheat," and then deducting the cost of labour, horse corn, and all necessary expenses.

This raised the question what the tenant should have as profit. His own opinion had been, and he had seen no reason to alter it, that the tenant (if a man of fair capacity and industry) ought to have 10 per cent. for his capital, and his house free. That was the return that other businesses were expected to realize. Many people thought that, because farming was a very healthy and agreeable business, the farmer should be satisfied with a smaller profit, but those who urged this ignored the fact that one great department of farming—the management of labour—was anything but a pleasing occupation.

Then, regard must be had, in estimating rents, to situation, but, even in the matter of situation, one was apt very often to make a mistake. He farmed 730 acres of land, and had a railway within half-a-mile of him, and he did not deny that there were advantages in being so situated. But, as a matter of fact, he derived no profit from the nearness of the railway. Before the railway was made, he had, it was true, to cart his corn 14 miles, but he got paid for doing it, whereas, now he had to take so much less for his corn, to cover the cost of carriage. Convenience of situation was more an idea than an actual fact.

Again, proximity to a large town was not an unmixed advantage. To be sure, there were facilities, but the advantage of situation in this respect was generally neutralized by the higher price of labour. All these were things it was necessary to bear in mind, in estimating the circumstances of farms.

He did not remember to have met with an instance of

land (referred to in Mr. PATTISSON's quotation from Mill) which would bear no rent at all—that is, land bearing rates and tithes—on which for instance, sheep would not find something, and if they did, it was worth something. He had offered an owner of a large farm in Suffolk sixpence an acre for 200 acres of such land. It appeared to be all shingle or small stone, but a flock of sheep went on it, and succeeded in finding some, if only an inch of, grass.‡

The milk trade was a very important feature of modern farming, as had been pointed out by a previous speaker. It was quite clear that proximity to a railway was an element to be considered in connection with dairy produce. The trade promised well, and, so long as there were not too many in it, would be profitable. When that happened, they must try something else.

Mr. T. CHATFIELD CLARKE (Fellow) said that the Paper—able and excellent as it was—had appeared rather late in the day. It could not, he thought, be seriously denied that it was directed against the Irish Land Act, and the establishment of a Court of Commissioners to regulate the scale of rents for land in Ireland.

The author would, perhaps, allow him to call his attention to a passage in MILL, which he (Mr. PATTISSON) did not quote, but which appeared to him to vitiate the whole of the arguments of his Paper, so far as it applied to Ireland. On page 123, Mr. PATTISSON said: “Rent, then, in short, is “the value of the surplus produce of the land after the cost of “production, including the farmer's own remuneration, and the “ordinary profit on capital is defrayed.” But MILL said, on page 292 of the same work: “Rent under peasant cultivation “is not governed by the principles set forth in the chapters “immediately preceding, but is either determined by custom,

“ as in the case of metayers, or, if fixed by competition, “ depends on the ratio of population to land. Rent, therefore, in this case is an element of cost of production.” Therefore the Paper, so far as it was founded on the quotation which the author had made from MILL, depended upon arguments which were inconclusive, because MILL, in the passages he (Mr. CLARKE) had quoted, specially exempted peasant holdings from the scope of his general theory of rent, and qualified his former argument.

What, then, were the substantial facts of the case? Mr. PATTISSON appeared to admit, and could not do otherwise, that tenant-right was now an established and recognized fact, by law, and must be dealt with as such. But was it not obvious that tenant-right could not co-exist with an unlimited power on the part of the landlord to raise the rent and thus destroy it on a change of tenancy? Therefore, in order to keep matters in a relatively just position, it was necessary to have a Court to establish what fair rent was. The author had distinctly recognized the difference between the mode in which English land was held and cultivated and the mode in which Irish land was held and cultivated; and, in recognizing that distinction and the existence of tenant-right, had gone very far to establish the justice and the necessity of having a Court to fix fair rent, and thus prevent unscrupulous landlords from eating up the tenant-right, and he had thus destroyed the argument of his Paper.

All present had, probably, been brought up in the economic view, that it was undesirable to interfere with free competition between man and man; but it was necessary to recognize the fact that the state of Ireland was exceptional from the dual nature of the holding; and when Mr. PATTISSON held it over them *in terrorism* that a departure from strict economic rules in the case of Ireland

might lead to the adoption of similar views as applicable to England, it must be remembered that the circumstances of the two countries were essentially different, and that the matter had not been seriously proposed by any statesman.

He thought it necessary to make these few remarks, because it was obvious that the Paper was directed against the principle on which the Land Act was conceived, and because he felt that the Act was necessary to meet the exceptional state of things prevailing in Ireland; and further, he could see no reason why Courts fairly constituted, and acting on the evidence of skilled valuers, should not do justice between the parties.

Mr. D. WATNEY (Fellow) said that, as he had just come from Ireland, he might perhaps be permitted to occupy the time of the Meeting for a few minutes by giving the results of his experience in the Land Courts. First of all, with regard to Fair Rents, he might quote a remark made by him in a Paper read before the Institution in December 1880 :
 “ The rent of agricultural land in England varies from half
 “ the value of the produce in certain cases of grass land, to
 “ one-ninth of the value of the produce of arable lands; but in
 “ Ireland, I am induced to believe, after much consideration of
 “ the climatic and other incidents of the agricultural condition
 “ of that country, that one-fifth of the value of the marketable
 “ produce which the land is capable of producing should be
 “ the annual rent of the holdings, subject to a deduction for
 “ tenants’ improvements as defined and limited by Sections 4
 “ and 70 of the Land Act of 1870, and subject also to the
 “ tenant-right interest of the tenant as it now exists.”

He mentioned this, in order that subsequent speakers might have an opportunity of giving their opinions as to whether that standard was a correct one.

He thought that the speakers who had decried competition as the guide to the fixing of rent seemed to prove the case against themselves, and to be in favour of Mr. PARTISSON's dictum, for what was it but the absence of competition that had lowered the rents of farms in England at the present time. Inversely it was practically the same thing. He did not mean to say that competition fixed the value, but after an agent had gone over the farm, and arrived at an opinion as to its rental value, had it not been frequently the case that men came forward and expressed their willingness to give 5 or 10 per cent. more for the farm than the agent's figures came out at, being induced to do so either from their knowledge of the soil, a reliance on their own ability, or confidence in their system of farming. So that, though competition did not actually fix the rent, it seemed to him that it did to some extent influence it, and at the present time the absence of competition had undeniably reduced rent in some cases to nothing at all.

The last speaker (Mr. CHATFEILD CLARKE) had raised rather an important point. He said that the Land Act and the Courts now sitting in Ireland were necessary to check excessive competition. He (Mr. WATNEY) was not going to combat that view, and, without doubt, some of the rents were exceedingly high, but the decisions in the Land Courts, if well studied, showed that it was not only bad land but good land the rent of which had been lowered, and that the estates of both good and bad landlords had been dealt with on one and the same basis. The natural sequence, he supposed, assuming Mr. CHATFEILD CLARKE's theory to be correct, was that another Land Act would be wanted (and that shortly) to fix and limit the value of tenant-right and check competition among the tenants themselves, for, if all the Irish landlords were to have their rents reduced 33 per cent., that

33 per cent. would inure to the tenants, and there would be the fiercest competition over it whenever a farm was sold, and in the end the interest on the purchase-money of the tenant-right and the judicial rent, would be a heavier burden than that now borne by the tenants.

While the subject of fair rent was under discussion, he would commend to the notice of the younger Members of the Institution, and to the consideration of the elder ones, the instructions issued by Mr. GRIFFITHS in the year 1853, when the Government Poor Law Valuation for Ireland was made under his direction. Those instructions were of the most elaborate kind, and went minutely into the description of soils, the quality of stock, the amount of stock which the land would keep, and every circumstance affecting the value of land, as well as every detail connected with a farmer's business, and, when he mentioned that these rules were 345 in number and most exhaustive, he thought he might say that they would amply repay perusal. His friend Mr. PATTISSON was, he was glad to add, about to present a copy of them to the Institution.

He would make one remark on the constitution of the Courts in Ireland. The Sub-Commissioners seemed to be selected on no principle whatever; and he thought it was a slur on the Institution, and on Surveyors in general, that they should be chosen without any other qualification than their predisposition in favour of an indiscriminate reduction of rents. The three Chief Commissioners in Ireland appeared to consider that anybody—whatever his previous occupation—was capable of fixing rents on any area, say of 30 or 40 square miles, and to the mercy of their nominees was left the landlords' interest throughout the whole of Ireland.

He had been under the impression that he could value

any kind of property, but when he tried to value Tenant-Right he must candidly confess that he was fairly beaten: there was no principle, no scale, no reason, and no sense in it. All it meant was the sum which one man would give for the goodwill of another man's holding.

The way in which the cases were brought before the Irish Courts, on the part of the tenant, was exceedingly curious, and reminded him of a remark of his in the Paper to which he had already alluded, when discussing the "Land question of 1880": "The true point however at issue is, "whether improvements made by a tenant become exhausted "in process of time, and inure to the landlord, or whether "they are to remain unexhausted and the property of the "tenant to all time, and become his tenant-right, to be "bequeathed or dealt with by him as his absolute and *bonâ fide* property."

By way of illustrating so-called "improvements" by Irish tenants at the present time, he would instance the evidence which he had himself heard in Court last week. A tenant swore that he reclaimed land at a cost of £22 10s. an acre. The question before the Court was as to the fair rent, and further on in his examination he said that the full letting value of that land was 15s. an acre! That was what was called "improvement," made by a tenant, under the Land Act of 1881. The principle on which these improvements were to be dealt with, was now *sub judice* before the Appeal Court in Dublin. The Act said: "The tenant's improvements "shall not be taken into account in fixing the rent, unless "the tenant has been paid or otherwise compensated for them "by the landlord." Those words "otherwise compensated" were now engaging the attention of the Appeal Court. The question was whether, if a man had a lease or a tenancy for 21 years, he had been "otherwise compensated" for his

improvements during that 21 years' lease or tenancy, by the fact that he had held during that period at a low rent. He thought it would be admitted by everyone in this country that he was, in that case, "otherwise compensated."

Mr. R. F. STURGE (Fellow) said that it was with some diffidence that he ventured to some extent to dissent from one of the conclusions arrived at by Mr. PATTISSON in his very able Paper.

The author had graphically described the many difficulties in the way of valuation of land owing to the numerous and ever-varying circumstances which had to be taken into account, and, in consequence of those difficulties, had come to the conclusion that rent could not be determined by valuation, but must be fixed by contract founded upon competition. It was from that conclusion specially that he ventured rather to differ. It had always appeared to him that, while admitting that competition must enter largely into the determination of any such question, yet as regarded the value of agricultural land, that principle must be taken with some qualification. In the period of prosperity which preceded the existing depression, it would be within the experience of all present that it was a very common thing for farms to be taken at rents at which it was obvious the tenants could not make a living—in fact, it appeared as though the occupation, as well as the ownership, of land was fast becoming a luxury. Leaving out of the question accommodation lands and small holdings near towns, which, of course, were exceptional, there remained the great bulk of the land of this country which was purely agricultural, and which was occupied by those who farmed it as a means of subsistence, and farming, in fact, was often mentioned as the staple industry of the country.

It appeared to him that any state of things under which agricultural land, forming such an extensive industry, was occupied on unremunerative terms, must be unsound and could not last long. He might compare it to the case of a tradesman who, for the sake of getting up a business, might undersell his neighbours, and give an exorbitant rent for his business premises, and even sell some articles at a loss. Although he might go on for a time, it was obvious that he must, ultimately, come to grief. So with a farmer, if he took a farm at a rent which he could not possibly afford, he must also, sooner or later, share the same fate.

Look at the other side of the question. No one would assert that what he might term the absurdly low rents at which many farms were now let represented their real value, although no more could, just now, be obtained for them. It appeared to him, therefore, after all, that the only sound basis on which the value of agricultural land could be assessed was by an estimate of the produce, and the expenses incidental to obtaining that produce, and taking into account, of course, all the circumstances of situation and many other things which influenced the value. And he thought that a system of valuation principally depending upon an estimate of the value of land at so much per acre, so far from being, as it was sometimes said to be, an empirical method, was really a sound one, as, after all, it only represented the result of a great number of those calculations reduced to a convenient practical form. It might be compared, to some extent, to a life table, which represented the result of calculations made as to the duration of life, and which they had always before them in a compendious form ready to apply to every case, without going through all the preliminary calculations each time.

Mr. J. L. PATTISSON, in reply, began by thanking the Meeting for the very kind manner in which they had received his Paper.

When he came into the room he was not aware that Mr. GREY was present. He hoped he might be allowed, before saying anything further, to congratulate him upon his recent appointment in Ireland, and more especially to congratulate the Irish Land Commissioners upon having secured the assistance of so competent a man to assist them in the difficult task they had before them.

But, if he understood Mr. GREY aright, he had given him another argument in favour of his Paper. Mr. GREY had stated that many rents which were fair in Ireland six or seven years ago were not fair now.

Mr. GREY said his remark applied, not to Ireland, but to the north of England.

Mr. PATTISSON continued: The argument, however, was still the same; because, if rents which were fair six or seven years ago were not fair now, how could anyone say that the same thing would not happen again? How could anyone, in fact, fix rents which would be fair for fifteen years? Mr. GREY's example illustrated a point which every agent had experience of—namely, the inequality of rental existing in farms side by side on the same estate; those that were high-rented having been let in prosperous seasons, when competition was keen, while others were at lower rents, the tenants having taken them in depressed times, when, as now, they had the control of the market.

The last speaker, and Mr. BIDDELL also, had said the market value was not always the fair value of the land, as

there were many farms now for which no tenants were offering, which were manifestly of some value. But what value was there in what one could not get? It was simply competition, or the want of competition—in reality, the same thing,—which decided the value.

Mr. SQUAREY had also introduced, he (Mr. PATTISSON) thought, a point in his favour, when he stated that, on the borders of the New Forest, a number of small farms were, to his knowledge, taken at rents far beyond any agricultural value they possessed. Surely, that proved that the fair rent of those farms was not a matter of calculation, but of supply and demand, though he was afraid Mr. SQUAREY's argument, as he intended to apply it, was a little faulty, because the rent, in reality, was a payment for the common rights of the forest, as well as for the land included in the lease or agreement. It was similar to the case of houses in the New Forest, which he had heard of as advertised to be let, "with 60,000 acres of shooting."

However, he might refer to Mr. CHATFIELD CLARKE's arguments as the strongest, or which would be the strongest, against his Paper, if they would bear the test of examination. He thanked Mr. CLARKE for drawing his attention to the further quotation from Mr. MILL. But so far as stating that in countries where peasant farmers were the rule competition was keener, it only supported his argument; while in regard to the latter point, that in such countries rent was an element in the price of food, Mr. CLARKE must remember that when the sentence was written Mr. MILL was referring to countries that produced their own food. Since then, the competition of America and the world generally, had entirely altered our markets; and while on the one hand one of the principal items of the cottier Irishman's food, viz., Indian meal, was imported, on the

other the price of potatoes, his principal produce, was directly regulated by the English market.

It had been stated by Mr. CHATFIELD CLARKE that the Paper was an attack upon the Irish Land Act of last year. He (Mr. PATTISSON) had no wish to deny—in fact, he thought the Paper itself was clear on the point—that it was directed against the principle of fair rent as developed by the Land Act and the recent decisions in Ireland, and adopted also to a certain extent by the Farmers' Alliance in Scotland and England. He certainly had no intention of hiding that, but at the same time he had tried to avoid introducing a mere political discussion into that Hall. Mr. CLARKE had also argued that the Irish landlord had power to raise the rent and so eat up the tenant-right. But equally, if the tenant-right were unrestricted, it would eat up the rent. At the present moment the Land Act conferred unlimited tenant-right, not only, as before, to those holding under the Ulster custom, but every tenant except, perhaps, leaseholders, whether under that custom or not, could now get a fair rent fixed and then sell his interest in the farm to the highest and best bidder. But Mr. CLARKE had forgotten that under the Act of 1870 no Irish landlord could raise his rent even sixpence an acre against the will of his tenant, without serving him with a notice to quit, which, if the landlord failed in supporting his claim to the satisfaction of the Court, rendered him liable not only to pay the tenant full compensation for all his improvements, but compensation for disturbance as well. Would a landlord in the face of such a liability attempt to raise his rent, unless he were quite sure that the rent he proposed was fair, or, in the sense of his (Mr. PATTISSON's) Paper, that it was the competition rent?

It was true that he had often been told, in answer to

this objection, "Oh, but the clause in the Act of 1870 did "not protect the tenant, as he knew that, if he did not "accede to the landlord's demand, there were many others "ready to pay the increased rent." This was only another way of saying that, owing to excessive competition, the fair or market rent was very high. It must not be forgotten that, except through the action of the Land League, there would hardly be a farm throughout the length and breadth of Ireland wanting a tenant. In his experience in the north of Ireland he had never known such a thing; on the contrary, there were always more tenants wanting farms than farms to be had.

It was quite impossible, he believed, to eliminate the question of competition from the calculation of fair rent. He did not hesitate to say that was the point of his Paper. Not that it was necessary or advisable to take the highest rent offered, any more than in considering tenders for a contract, was it necessary or advisable to accept the lowest.

The question in each would be whether the man was solvent,—was likely to carry out his bargain. Mr. PATTISSON concluded by again thanking the Meeting for the kind hearing given to him.

Mr. D. WATNEY asked leave to state that it was a matter of notoriety, and might be interesting to the Surveyors and valuers in this country, that the valuers in Ireland were afraid to come forward and give evidence on behalf of a landlord. A few weeks ago, he wrote to three eminent gentlemen in the north of Ireland, asking them to support his valuation of an estate in the province of Ulster, the rents of which he had fixed seven years since. Two of them refused, while the third, who fully corroborated his (Mr.

WATNEY's) valuation, was Mr. EDMUND MURPHY, who, he was pleased to add, was a Fellow of the Institution.

THE PRESIDENT observed that Mr. PATTISSON's Paper was so intelligible and straightforward, and there had been so very little difference of opinion with respect to it, that all that he need say was, that fair rent was to be arrived at by taking the—

Average gross produce -	-	-	”	”	”
Deduct average working expenses -	-	”	”	”	
Rates and taxes -	-	”	”	”	
				”	”
Net produce of farm -	-	-	”	”	”
Deduct interest on capital	”	”	”		
Farmer's remuneration -	”	”	”	”	”
				”	”
Leaving -	-	-	£	”	”

which was the Fair Rent which the farmer could afford to pay to his landlord. Whether that fair rent could be obtained or not depended on the circumstances of competition, *i.e.*, whether the supply was greater than the demand, in which case there would be two farms in the market, when only one was wanted, or the demand greater than the supply, in which case there would be two tenants and only one farm in the market. This was what the Judges had called the “higgling of the market.”

If there were good roads about the farm, the working expenses were thereby diminished, and, therefore, more rent

could be paid for it. If there were a railway station near— notwithstanding what Mr. BIDDLE had said—the cost of sending produce to market, and of bringing manure and things wanted to the farm was lessened, and the value of the farm was correspondingly increased. That seemed to him to sum up the discussion.

The Meeting then adjourned.

DISTRESS FOR RENT.

By JOHN ELDON BANKES (ASSOCIATE)

(*Barrister-at-Law*).

*Read at the Ordinary General Meeting of THE SURVEYORS' INSTITUTION,
February 27th, 1882.*

THE PRESIDENT (MR. E. RYDE) IN THE CHAIR.

THE result of the discussion in the House of Commons on Mr. BLENNERHASSETT's motion, with regard to the total abolition of distress for the rent of agricultural holdings in England, Wales, and Ireland, has lately brought this subject very prominently into notice. Important as all subjects must be in this country which are so intimately bound up in the relations which exist between landlord and tenant as is distress for rent, it becomes more than usually important at the present time. There can be no doubt that the position of land, as a commercial investment, is a source of deep interest and anxiety, not only to those who are directly interested in land, but also to all those who have the welfare of the community at heart. It is equally certain that, in order successfully to compete with competition from abroad, the relations between landlord and tenant should be placed upon the best possible footing, so that the resources of the land may be developed to the greatest possible extent, and at the least possible cost.

It will be within the recollection of everyone here present that, on the 3rd of May in last year, Mr. BLENNERHASSETT proposed a resolution in the House of Commons to the following effect :—"That in the opinion of this House it is desirable to abolish the power of levying distresses for

the rent of agricultural holdings in England, Wales, and Ireland," and that that resolution was carried without a division.

I propose in this Paper to discuss the questions involved in that resolution—first, by pointing out the place which the law of distress for rent occupies in a system of laws ; next, by tracing briefly what has been the history of that law ; and lastly, by drawing attention to, and discussing the arguments which are used with reference to, the propositions involved in the suggestion of Mr. BLENNERHASSETT, that no satisfactory arrangement can be arrived at except by the total abolition of the law.

It is my intention to deal rather with the principle than with the form of the existing law, and mainly with that principle as applied to land and agricultural holdings, and incidentally only with it as applied to household property when distinct from land.

With regard to what the law of distress for rent is, it may be defined to be a remedy for the non-performance of a duty, or the non-satisfaction of a demand, which consists in the taking without legal process of a personal chattel from the possession of the defaulter into the hands of the party grieved, as a pledge for the performance or satisfaction required, with a power, in case of continued default, to sell the thing taken in compensation for the damage sustained. The essential distinction between distress for rent in the hands of a landlord, and other remedies for the breach of any ordinary contract in the hands of other creditors, consists in the fact that the landlord can avail himself of his remedy without legal process ; he can, so to speak, take the law into his own hands to enforce his remedy, and thus, being enabled to become *prior tempore*, he becomes also *potior jure*.

The place in a system of laws which is occupied by the

law of distress for rent is a well-defined and well-recognized one, inasmuch as it is the embodiment of a principle well defined and well recognized in every developed system of laws. Every such system recognizes, and endeavours to give effect to, the principle, that the man who gives credit in any transaction which that system recognizes as a legitimate one, is entitled to adequate security; and one of the main objects to which any such system is directed is to discover and adopt the form of security the most proportionate to the risk, and at the same time the fairest to all the interests involved.

It is an interesting enquiry, but one hardly within the scope of this Paper, to trace at any length the origin and growth of this principle. It is enough to say that it has been, so to speak, a growth of necessity. In very early times the commercial transactions which involved a giving of credit were few; consequently, the forms of security known in those early days were few also. In process of time, however, as societies and trade developed, new forms of contract came into existence, recognizing obligations to be fulfilled at a future date, and obligations of an intricate character. Coinciding with their recognition, new forms of security sprang into existence to meet the requirements of the age. Hence, instead of forms of security simple in their nature and insignificant in number, there have been grafted on to the stock of the same old principle forms of security sufficient in number and diverse enough in character to meet the requirements of the present day, which has been described by Sir HENRY MAINE to be mainly distinguished from that of preceding generations by the largeness of the sphere which is occupied in it by contract.

In English jurisprudence the result of this growth, which I have characterized as a growth of necessity, is known as the Common Law. The whole group of Common Law liens are familiar instances of the process which I have

attempted to describe. When the requirements of society demanded that the business of, for example, the shipowner, the hotel-keeper, and the artificer, should be to a great extent a business conducted on credit, then adequate protection was, and still is, afforded to them by the introduction and adoption by the Common Law in their favour of a preferential form of security known as a lien.

In the main features of the growth and development of the principle to which I have referred above, no distinction was drawn between dealings with land and dealings with any other subject-matter of commerce. As contracts arose which recognized a credit system in dealings with land, so forms of security were introduced to protect the parties to such contracts. The law of distress for rent is the result of this process. It is the form of security provided by the Common Law of this country to meet the want created by a credit system of dealing with land.

With regard to the history of the law, it is undoubtedly of very ancient origin. There appears to be some uncertainty with regard to the origin of the word "distress," and also with regard to the origin of the custom—whether it is derived from the early northern nations, in whose laws we find traces of a similar custom, or from the Roman law of hypothec and pignus.

This, however, is quite certain, that in very early times the practice of distraining, in its simplest and most primitive form, existed as a remedy for trespasses committed by cattle, damage feasant. The person whose lands or crops were injured by the cattle of another was allowed to seize and impound them till restitution was made. In this form we find the custom adopted in the Laws of Canute.

The precise time at which the custom was made applicable to the holding of land, it is difficult to fix. It is not till the invasion by the Normans, and the introduction of

the feudal system, that we can distinctly trace the growth and onward progress of distress as a method securing the owner of the soil in the due performance by the tenant of the obligations attaching to his tenancy of it.

It must be noticed that the first application of distress for this purpose was a distinct mitigation, in favour of the tenant, of the severer existing system whereby the slightest failure on the part of the tenant amounted to an absolute forfeiture of the land, enabling the lord immediately to enter and evict the tenant. The severity of this system was somewhat mitigated, when, instead of a forfeiture, the lord was allowed to enter and to hold the land as a pledge, until such time as he had obtained satisfaction for his damages. However, this seizure frequently disabled the tenant from making the satisfaction which was required of him. This system was thought too rigorous, and in its stead the then existing law of distress was made applicable to the relations of landlord and tenant. The former, on the breach of any of the duties connected with the feud, was empowered to seize and impound the cattle and other moveables found upon the land as security, not only, it must be noticed, for the payment of the rent, but also for the performance of the services connected with the feud.

For a long period of time distress existed only as a pledge; the feudal lord, or landowner, could only detain the cattle, or other moveables, as security, and he had no power whatever to sell them.

As might be expected, in those lawless times which followed the Norman invasion, especially when it is borne in mind that distress was a method of securing to the lord the services due from the tenant, we find that the system was very much abused. Distress was diverted from its proper use, and undoubtedly formed a weapon of great oppression in the hands of the lord.

To remedy this state of things, we find the whole tone of the provisions of the Common Law, and also of the earlier legislation on the subject, directed to the protection of the tenant.

The Common Law introduced the system, which exists to the present time, of replevin, which enabled the tenant, on giving security, to recover his cattle, or other goods, which had been seized. It consisted of a judicial writ to the sheriff, complaining of an unjust taking and detention of goods and chattels, commanding the sheriff to deliver back the same to the owner, upon security given to make out the injustice of such taking, and also, if not made out, to return the goods and chattels. Various provisions were also introduced at Common Law for the protection of the tenant, of which the following may be taken as examples. No person might distrain beasts off his own land on the highway, for the reason so quaintly given by Chief Baron GILBERT, who wrote on the subject of distresses some hundred years ago, that the high road is privileged for the convenience and encouragement of commerce. No person could distrain in the night for rent, because thereby the tenant had not notice to make a tender of his rent. Distress was not to be excessive, but in proportion to the duty distrained; the example given by Chief Baron GILBERT being that, thus if the lord distrain two or three oxen for twelve pence, this is unreasonable.

A very valuable form of protection also afforded by the Common Law, was the exemption from distress which it attached to certain classes of articles. These may be shortly enumerated as follows, the majority of which still continue to be protected:—

- (1) Things annexed to the freehold.
- (2) Things delivered to a person exercising public trade,

to be carried, wrought, worked up, or managed in the way of his trade.

- (3) Cocks, sheaves of corn, and other things, which could not be restored in the same plight.
- (4) Things in actual use.
- (5) Beasts of the plough, and instruments of husbandry.
- (6) The instruments of a man's trade or profession.

While the Common Law was thus busy in relieving the tenant, the Legislature was by no means idle; and from the reign of HENRY III., up to that of PHILIP and MARY, a number of Statutes were passed, curtailing in a variety of ways any arbitrary abuse by the lords of their powers of distress. The various provisions of the Common Law were incorporated in Magna Charta, the Statute of Marlbridge, and many others; and penalties much more severe than those known to the Common Law were affixed to any breach of them. They appear in a great measure to have been effectual; for the particular subject-matter of these Statutes did not require any subsequent interference on the part of the Legislature until the time of PHILIP and MARY, when it became necessary further and more definitely to enforce that provision of the existing law which required a distress to be impounded within the county; and it was then also enacted that it should not be impounded in several places, so as to compel the party to sue out several replevins, and every sheriff was directed to appoint four deputies in his county to make replevins and delivery of distresses.

About the reign of HENRY VIII. a change is to be noticed in the character of the legislation as affecting distress. It coincides in date with the gradual amelioration of the social condition of the country, and therefore we may suppose was due to the altered state of things, in

which the tyrannical action of the lord having died out, the remedy in his hands was found insufficient to deal with the now independent tenant.

Various Statutes were passed in that and succeeding reigns which gave the lords increased powers of distraining for rent. Goods which had been fraudulently removed, but not sold, might be seized in distress. Crops which the tenant was under covenant not to remove off the farm, were exempted from being seized in execution by the tenant's creditors. No goods belonging to the tenant might be seized in execution, unless the execution creditor paid the landlord the rent due, provided the amount did not exceed one year's rent. Growing crops, and crops gathered and stored, were made liable to distress. The most important, however, of all this class of Statutes was 2 Wm. & M., c. 5 (1689), which, after reciting that the most ordinary and ready way for recovery of arrears of rent was by distress, yet such distresses not being to be sold, but only detained as pledges for enforcing the payment of such rent, the persons distraining had little benefit thereby, provided that, after notice to the tenant, and failure to replevy within five days, the landlord might sell the goods, and recoup himself out of the proceeds.

The tendency of later legislation has, however, again been in favour of the tenant. 57 Geo. III. gave the small tenant greater facilities for recovering damages for a wrongful distress. 3 & 4 Will. IV., c. 27, limited the amount of rent which might be distrained for to six years' arrears. The Bankruptcy Act, 1869, limited the landlord's right to distrain for rent, when the tenant becomes bankrupt, to one year's rent, due prior to the adjudication. The Acts of 1871 and 1872 protected respectively the goods of lodgers and railway rolling stock.

Such, shortly, has been the history and the character of

the growth of the Common Law, and of legislation in this country as affecting distress for rent ; and which, according to BRADLEY, who wrote a book on the subject of distresses in the year 1808, had rendered distress for rent one of the most equitable and efficient remedies known to English Law.

In discussing the question whether that view of the law is a correct one or not—whether the law itself is economically defensible or not—one is met at the outset by the question which is always asked by the opponents of the law, namely, “ Why should the owner of land be entitled to any greater security, than the owner of any chattel ? ”

This question is one which puts in issue the whole principle of distress. It is one also which at first sight is a somewhat misleading one, as it is apt to draw away the mind from the contemplation of the real issue upon which the answer to the question depends, to a vague discussion as to the relative positions, with regard to the tenant, of a landlord and any other creditor. The answer really depends upon a just appreciation of the position of landlord and tenant. That involves a critical examination of their relations one to the other, and of the nature and bearing of the bargain which binds them. If there is anything so peculiar in those relations, and in that bargain, as to render necessary the existence of some extraordinary form of security properly to adjust the balance between the landlord and his tenant, then that extraordinary security in some form or other is justified ; otherwise, it is not.

There are numbers of examples in our law of preferential claims due to the peculiar position of a debtor to his creditor. To take one very familiar example. The innkeeper has a lien on the goods of his guest for his charges. In this case the law has considered that the only fair way of balancing the respective rights and liabilities of this particular class of

creditor and debtor, *inter se*, is by giving the innkeeper a preferential claim over any other creditors. Can these latter be heard to complain that they are hardly used, and that they ought to be placed on the same footing as the innkeeper? Certainly not. Neither can the creditors of a tenant be heard to complain, if the relationship of landlord and tenant is such as to demand that the landlord, like the innkeeper, should have some preferential security.

In the case of agricultural holdings, land forms the subject-matter of the bargain between landlord and tenant; and it is to the peculiar nature of that subject-matter, and to the peculiar circumstances which surround a bargain in respect of that subject-matter, that we must look for an answer to the question of the opponents to the law of distress to which I have referred above.

In the first place, dealings in land must be dealings on credit. The credit of course may vary in length; but does not the fact that, whether the landlord likes it or not, he is obliged to let out his capital on credit, entitle him to some preferential security? There are many who contend that it is absolutely essential to good husbandry that the tenant should be able to obtain a long lease. If this view be a correct one, then the argument becomes much stronger, that the landlord is entitled by reason of the subject-matter of his capital to some preferential security. He is not in the position of the ordinary creditor, dealing with a debtor over a series of years. In such a case the dealing consists of a series of isolated transactions, from day to day; and if the debtor fail in any one, the creditor may impose fresh terms, or, if he choose, stop dealing altogether. Not so with the landlord who has granted a lease to his tenant. However much he may have reason to doubt his tenant's credit, he has no power of putting an end to the bargain. He may have taken the greatest

possible trouble in satisfying himself as to his tenant's solvency before he accepted him as tenant; yet during the term, from death or other causes, his trouble may be utterly thrown away, and he may find himself saddled with a tenant unable to pay his rent. In spite of this, unless the landlord had some preferential security, he would be obliged to continue allowing the tenant to employ his (the landlord's) capital, at any rate for a considerable time; and the tenant might, during the whole of that time, be paying off other creditors out of that capital. The fact also should be taken into consideration, that land, of all forms of capital, brings in the least return, and therefore ought to command the best security.

The above are some of the considerations which are urged in favour of the landlord being entitled to some form of preferential security; but they do not necessarily point to a power of distress as the best form which that preference should take. There are, however, other considerations involved in the relationship of landlord and tenant which do mark the difference between a landlord and any other creditor, and which do point to distress for rent as the fairest kind of preference.

Assume that the present power of distraining were taken away, and that the landlord had only a power of stopping credit just like any other creditor—that is to say, that, on any default on the part of the tenant, he could summarily evict him, and retake the land. Would that power place the landlord in an equally good position with that of an ordinary creditor exercising a similar power? The ordinary creditor merely ceases to supply any further goods; whereas the stopping credit, in the case of a landlord, means also the immediate resumption of the land by himself, with all its attendant consequences. Again contrast the case of a landlord and of a creditor who has let some agricultural

implement to the tenant. Stopping credit by either of them, it is true, involves resumption by the creditor of the subject-matter of the contract. Are, however, the attendant consequences the same? The agricultural implement maker is much more likely to be able to relet his implement at a moment's notice, than is the landlord his land. If the implement require repairing, the owner can repair it at his convenience, and meanwhile the implement will not seriously deteriorate. The landlord, on the contrary, if his security is to be worth anything to him, must immediately commence to work the land, however inconvenient or impossible a time it may be to obtain the necessary labour and material. Do not considerations such as these point to the conclusion that, if the landlord were placed on the same footing with the ordinary creditor, the result would be that the remedies which they share in common would not be of equal relative values to them? The creditor would practically be in a better position than the landlord.

It is not only, however, from a landlord's point of view that the peculiar nature of land affords an argument in favour of some preferential security, such as distress for rent. Land, which represents the landlord's capital, and the products of land, which represent the interest on the tenant's capital, as well as that of the landlord, are peculiarly sensitive to climatic influences. What tenant would take a farm for a single year? In fulfilling his bargain, he counts on a succession of seasons, and not on one isolated one; and, consequently, in fairness to the tenant, the bargain between himself and his landlord ought to contain some provision which may enable the landlord to deal with him on a series of seasons, and to postpone his remedy for any breach of the bargain without at the same time weakening it. This is at present afforded by distress for rent, and it is difficult to imagine any other form of preferential security which could

attain the same result with equal fairness. Another argument in favour of distress for rent, arising from the peculiar nature of land as forming the subject-matter of the bargain, is to be found in the fact that, in such periods of depression as that we are now going through, landlords are enabled in consequence of distress for rent to keep tenants in their holdings whom otherwise they would have had to evict. The consequence of such wholesale eviction would have been, I think, that quantities of land would have gone out of cultivation, and the community would have suffered thereby. It is not only, therefore, in the interests of the landlord, or the tenant, that arguments can be brought forward that distress for rent should be maintained, but in the interest of the community generally, inasmuch as during bad times it is a means of preventing land being thrown out of cultivation.

A strong argument also in favour of the contention that there is something in the nature of land which demands an exceptional remedy properly to balance the relations of creditor and debtor in respect of it, is found in the fact that, in so many countries in Europe, the landlord had (even if he may not have now) a preferential claim similar, if not the actual equivalent, to distress in this country.

In the year 1869, when the Select Committee of the House of Lords were sitting, which had been appointed to enquire into the law of hypothec in Scotland, a series of questions were framed by them, and sent to the various embassies in Europe and the United States, with a view of ascertaining the state of the law in other countries on the subject of a landlord's rights.

The principal questions asked were as follows:—

- (1) Does the law give the landlord any preference over the tenant's other creditors?
- (2) In the absence of any such law, is it competent to

the landlord and tenant to make special agreements hypothecating the crop in payment of rent, or are such agreements illegal and invalid ?

(3) Is it usual for the landlord to give any credit to the tenant, or is the rent paid in advance ?

(4) If credit is given, how is the rent secured ?

Very full answers were, in the majority of instances, returned to these questions. It is, however, sufficient for my present purpose to say that, with regard to the countries of Europe, the answer to the first question was in the affirmative from the following :—Austria, Baden, Bavaria, Belgium, Prussia, Darmstadt, France, Hamburg, Hesse, Holland, Italy, Saxony, and Sweden ; and in the negative only from Saxe Coburg Gotha and Wurtemberg. With regard to these negative answers, it must be noticed that the reply with regard to Wurtemberg further stated that the renting of large farms was an exceptional circumstance, and that, in view of the wide difference between the agrarian circumstances of Wurtemberg and Great Britain, Wurtemberg law on the subject scarcely possessed any interest for British legislators.

As might be expected, the exact nature of the preference which the landlord had in the various countries which returned the affirmative answer varied very considerably. In some, the preference was more in favour of the landlord than is distress for rent in this country ; in others, it was less in his favour. In all, however, in its essential attributes, the same principle was employed as is contained in distress for rent.

The above answers referred to the state of the law as existing in the year 1869. I have not been able to discover whether or not since that date there has been any alteration in the law of any of the countries from which answers were returned, and therefore it would not be fair to draw any

argument directly in favour of distress for rent from the fact that, so long ago as 1869, a similar law existed in so many of the countries of Europe. Indirectly, however, and as applicable to the present portion of my argument, that fact does assist very materially in demonstrating that there is something peculiar in the contract between landlord and tenant. Can it be suggested that in all those countries and States (so widely differing in constitution and sympathies as they do, not only from England, but from each other) the preference given to the landlord is the result in every case of what is called class legislation—the selfish power of a dominant faction? Is it not far more probable that it exists so universally as it does in civilized countries, because civilized jurisprudence has always recognized that, in consequence of the peculiar qualities of the contract between landlord and tenant, that contract must be treated in a different manner from other contracts between other creditors and debtors?

The answers which were returned from the United States require a separate examination. They state that originally distress for rent, as known in England, was universal. Mr. CARLISLE, the legal adviser to Her Majesty's Legation, at Washington, however, goes on to say, "In a few
 " of the States only is the Common Law remedy of distress
 " preserved. The general tendency and spirit of the legisla-
 " tion of late years has been not only to abolish this sum-
 " mary remedy, but to place landlords quite on the same
 " footing with other creditors, leaving the parties to make
 " their own contracts in their own way, touching security
 " for the payment of rent."

So far as the fact is, that distress was at one time universal, and still exists in some few of the States, the answers from the United States go to strengthen the argument which may be derived from those returned from the great majority of the countries of Europe.

No argument can be derived against the law of distress for rent from the fact that a similar law has been abolished in some of the United States, unless a careful examination of the laws which have been substituted for it be at the same time made. It will become material later on to enquire what substitutes for distress for rent are possible or practicable, and then the remainder of the answers returned from the United States become very important, which show what the result of the abolition of distress has been in the States in which it has been abolished; but I reserve the discussion of them to a later portion of this Paper.

Having now dealt with the arguments which depend upon the peculiar nature of the contract between a landlord and tenant, and having endeavoured to point out that, in consequence of its peculiar nature, in fairness to both parties, some form of preferential security equivalent to distress for rent is required, I now come to the definite objections which are raised to the existence of the law of distress for rent. They are as follows :—

- (1) That it is the result of class legislation, and is contrary to the principles of commercial legislation, and unjust towards other creditors.
- (2) That it stimulates unhealthy competition for land, and raises rents above their proper level by encouraging landlords to accept tenants whom they would reject but for the protection they enjoy from this law.
- (3) That it is pernicious to agriculture, in that it injures the credit of tenants, so as to deprive them of the means of obtaining sufficient capital to bring their land into the highest possible state of cultivation.

With the first portion of the first objection I have already dealt. I have endeavoured to show that distress

for rent is not the result of class legislation, in the sense in which it is used by the objectors to the law. Originating in very early times to meet a distinct need, the subsequent history of the law shows that it is certainly not the result of class legislation, in the sense of being a law worked up by the landed interest to oppress their tenants. It was originally introduced in the tenant's favour, and the alterations which have been made in it from time to time have been chiefly in his favour also. The fact that the law has existed in a similar form so universally in Europe as it has done, is an answer to the objection that it is the result of class legislation, in the sense of being a law introduced to prejudice the rights of the ordinary creditor.

With regard to the law being contrary to the principles of commercial legislation, it seems difficult to understand how the objectors to the law can seriously bring this forward as a valid objection, when they not only tolerate, but openly advocate, a precisely similar system founded on what, apparently, they admit to be precisely similar principles. Throughout the many debates which have taken place in Parliament with regard to the abolition of hypothec and distress, no one, so far as I am aware, has advocated abolition of what is termed urban hypothec or distress; namely, hypothec or distress applicable to dwelling-houses in town or country, shops and manufactories. On the contrary, everyone has distinctly advocated the continuance of the latter law. It follows therefore that, even if those who make the objection to the law of distress, as applied to agricultural holdings, really consider it as opposed to the principles of commercial legislation, they cannot consider the objection as one entitled to any weight.

It is frequently said that the law is opposed to the principles of commercial legislation, because no exact equivalent to it is to be found in English law. The latter assertion is,

no doubt, true; but it affords no ground for the conclusion which is drawn from it. The fact is at once accounted for, if it be admitted that the contract between landlord and tenant is a peculiar one. The remedy is peculiar because the contract is peculiar. There are numerous instances in our law, as I have already endeavoured to point out, of preferences given to certain classes of creditors, which are due to the same cause. Take, for instance, the lien which shipowners have on the cargoes of their ships for freight, and bottomry bonds which give to their holders a prior claim over other creditors for money lent for repairs necessary for the safety of a ship. Is anyone prepared to say that the law authorizing either the lien or the bottomry bond is contrary to the principles of commercial legislation? Yet they both give a preferential claim to one creditor which may work a great injustice to some other one.

With regard to the objection that the law is unjust to other creditors, if it is once admitted that the contract between landlord and tenant is of such a peculiar character as, in fairness to both parties, to demand some security involving a similar principle to that of distress for rent, then the objection fails so far as the principle of the law is concerned. The creditor of the tenant is no more unjustly treated than is the unsecured creditor of a debtor where there are secured creditors, or the creditor where a maritime lien or bottomry bond exists. It must also be remembered that every creditor dealing with a tenant is fully aware of the existence of distress for rent, and therefore can take it into consideration in fixing the price of the commodity in which he proposes to deal with the tenant.

There are, however, certain classes of creditors of a tenant upon whom it may be thought that the present law of distress does work a hardship. Assuming that to be so, it is a hardship which an alteration in the law could avoid, and which

does not, therefore, afford any argument in favour of the total abolition of the law. For instance, there are persons who think that it is a great hardship that a landlord should be able to seize a threshing-machine, *bonâ fide* the property of some person other than the tenant, simply because it happens to be upon the premises of the tenant at the time when the landlord distrains. At the present moment there is a Bill before Parliament, introduced by Sir HENRY HOLLAND, to exempt such classes of things from the operation of the law of distress. It is not my present purpose to discuss any possible amendment in the existing law, but merely to point out that, if there are hardships of that kind, they can be removed by an alteration of the law, and that they do not afford good grounds for abolishing it altogether.

With regard to the second class of objections, I appeal to the practical experience of the Members of this Institution whether, in England and Wales at any rate (leaving Ireland out of the question), there is any unhealthy competition for land, or whether rents are raised above their proper level in consequence of the existence of the law of distress, or whether landlords are encouraged to accept tenants whom they would reject but for the protection which they enjoy from that law. Some of these objections date back to a time of prosperity when the agitation against hypothec and distress for rent was first started. They cannot be urged with the same force now, when thousands of acres are unlet, and rents have been most materially reduced owing to causes far remote from distress for rent. It is, perhaps, true that in prosperous times rents are higher than they would be if no law of distress for rent existed; and for this reason—that if the competition for land were less, rents would not be so high. Distress for rent is undoubtedly a peculiar benefit to the class of small farmers. Even the objectors to the law must admit this, or else their objection that it tends to raise rents fails.

MR. CLARE SEWELL READ, speaking in the House of Commons on the law of hypothec, in the year 1869, said that "he believed that if the law of distress in England "were abolished to-morrow, and there were fore rents "instead of back rents, half the small farmers in England "would be ruined ;" and again, in 1875, speaking on the same subject, he said that, "when he came to regard the "question practically, he must say that, with regard to those "who occupied small holdings, he believed the law had been "beneficial." The Select Committee of the House of Lords also reported in 1869 that "present and former enquiries "are conclusive as to the fact that the law of hypothec "afforded facilities by which industrious and intelligent men "raised themselves from very humble positions to those of "prosperous farmers." If the law of distress were abolished, the class of small farmers would diminish, competition for land would thereby be reduced, and most probably rents would come down. In this sense it may be said that the law of distress for rent affects rents.

Whether or not it is advisable that the numbers of the small farmers should decrease is somewhat a disputed question, and one which opens out a wide field for discussion. There are many persons who speak authoritatively on this subject who maintain that the present period of depression has shown conclusively that, except on certain soils, very large farms are a mistake ; and that small farms have weathered the bad times more successfully than the large ones. Within the narrow compass of this Paper I could not attempt to deal with this question ; nor, indeed, is it necessary for me to do so. Unless it be proved that rents are unduly high owing to the existence of distress for rent the objection does not require answering. That they are unduly high for that reason, I submit it is impossible for anyone to show.

With regard to the third class of objections—namely, that distress for rent injures the credit of tenants, so as to deprive them of the means of obtaining capital,—that answers itself. It is in the last degree improbable that the abolition of the laws of distress would increase the tenant's credit with an outside creditor to a greater extent than it would diminish it with his landlord. When the landlord allows the tenant to get in arrears with his rent, he practically makes him an advance of capital, and makes it to him on terms far more favourable to the tenant than he could hope to obtain elsewhere. If the landlord's security were diminished, in like ratio would his willingness to hold over his rent diminish; and, consequently, the position of the tenant would be a worse one without the law than it is with it.

The objectors to the law, moreover, seem to leave entirely out of consideration what is to occur supposing their views prevail and the law is abolished, which I submit is an essential consideration in discussing this question.

In the first place, supposing no restriction be placed on the powers which a landlord is to have of contracting with his tenant, some form of private contract, in effect producing the same result as does the law of distress for rent at present, will most assuredly take the place vacated by the abolished law. Such we find to have been the case in the United States after the abolition there of distress for rent.

In answer to the second of the questions drawn up by the Select Committee of the House of Lords in 1869, referring to the question of there being a special bargain between landlord and tenant, in the absence of any preferential claim recognized by the law, Mr. CARLISLE says this: "I am not aware of any legal objections in any of the States to such a special contract as is referred to in the second question. In the district of Columbia, since the Act of

“ 1867 (which was the Act abolishing distress for rent), a
 “ deed of trust in the nature of a chattel mortgage, with
 “ power of sale for default of payment of any rent due, has
 “ been advised by me, and generally approved by the local
 “ bar. The deed is made to the agent of the landlord, or
 “ other person as trustee, and includes the property by law
 “ exempted from execution or attachment. It is executed
 “ by the wife as well as the husband, and it is acknowledged
 “ and registered within twenty days, as required in ordinary
 “ chattel mortgages when the grantor remains in possession;” and he then adds: “ Some such convention between
 “ parties seems absolutely necessary for the protection of the
 “ rights of landlords where all legislation is inspired by a
 “ different motive.”

This answer and opinion of Mr. CLIFFORD are very instructive, as affording a practical illustration of what must inevitably occur in England if distress for rent be abolished. Some means will be devised whereby the tenant on entering will hypothecate his stock, effects, and crops, as a security for due payment of his rent, and whereby the landlord, on a failure to do so, may enter and take possession. Surely the remedy will be worse than the disease. The other creditors of the tenant will not be in a better position than they are under the existing law; both landlord and tenant, however, will be in a worse one. Apart from the extra expenses involved in preparing the necessary deed, one or other will be liable to mistakes in the preparation of it, whereas at present the law is inexpensive in operation, and certain in effect.

In order, however, to view the question in all its aspects, assume that the law, besides abolishing distress for rent, has put it out of the landlord's power to enter into a special bargain whereby the tenant hypothecates his stock,

crops, and effects for payment of rent; what security would the law allow the landlord, or what security could he avail himself of by private arrangement?

The forms of security which seem possible are as follows:—

- (1) By allowing the landlord, on default of payment of rent, to re-enter and retake the land.
- (2) By requiring the payment of rent in advance.
- (3) By requiring security from a tenant for the due payment of his rent.
- (4) By raising rents.

Any of these substitutes for the law of distress for rent would operate very harshly upon the small farmers. It must be borne in mind that, in the case of the small farmer, his own skill and labour, and that of his family, form a considerable part of his capital. To deprive him of the opportunity of employing these to the best possible advantage is, in the majority of instances, to reduce him to the position of a labourer. Yet, from the very nature of his capital, he is more likely than the large farmer to require indulgence in the matter of paying his rent. Illness, bad seasons, or disease among his stock frequently land him in temporary difficulties. If the only security which the landlord has for his rent is that he must re-enter and retake the land, he will have to do so in spite of the hardship it would inflict upon his tenant. It is true that the tenant might borrow the necessary money wherewith to satisfy his landlord; but, being in bad circumstances, such interest would be required of him as very seriously to cripple his chance of recovering himself.

The hardship inflicted upon the large farmer would also, in many cases, be a very severe one. It is a curious fact also, and one well worthy of notice, that the adoption of a

system of re-entry by the landlord, on a failure to pay rent on the part of the tenant, would be a distinctly retrograde movement, and an exact reversal of the process adopted in early feudal times.

I have already called attention to the fact that, at that time, distress for rent ousted re-entry, on the ground that the latter system worked harshly towards the tenant, and was unfair to his other creditors, in that it deprived him of the means of earning money wherewith to pay his debts. It is now, however, proposed to reverse the process, and to replace re-entry in the position it occupied so many centuries ago.

With regard to the second alternative, supposing landlords found it an absolute necessity, in order to secure themselves reasonably and fairly, to require their tenants to pay a sum into the bank as security, or to pay their rents in advance, is that a result which is likely to be beneficial either to the landlord, to the tenant, or to agriculture in general? As far as the tenant is concerned, his working capital would be very seriously diminished, which would result not only in diminished profits to himself, but in injury to the land, and thereby to the landlord; in worse crops, and, consequently, in a loss to the community in general. The smaller the capital of the tenant, the greater the injury done in proportion to the amount of it.

With regard to the finding of security on the part of the tenant, that appears to be a suggestion which is surrounded with difficulties and injustice. In many cases the otherwise eligible tenant might find it impossible to find the requisite sureties, which would work a hardship upon him. The system, if universally adopted, would certainly result in tenants becoming sureties for each other; a practice which only requires to be mentioned to be condemned. The position of the landlord also would be rendered less secure than it is

at present. Not only would he be interested in the solvency of his tenant, but in the solvency of his tenant's sureties also. Further than this, the insecurity of the landlord's position would operate very materially on the question of leases, as no landlord, with such insufficient security, would bind himself to let his land for any number of years.

The last-suggested alternative, namely, the raising of rents—though, if practicable, it would no doubt compensate the landlord to some extent for the increased risk,—may be dismissed with the remark that it is not a suggestion capable of being carried out. At any rate, if that were the certain result of the abolition of distress for rent, I fancy that the tenant-farmers of England would very soon make their voices heard in favour of a retention of the law.

The fact that the law of hypothec has been abolished in Scotland is now so persistently urged as an argument why the law of distress should also be abolished, that no Paper dealing with the latter question would be complete without some allusion to the law of hypothec as it existed prior to the year 1880, and to the Act of that Session which abolished it.

So long ago as the year 1867 the Bill was first introduced which at length became law in 1880; and in the years 1869, 1871, 1873, 1874, 1875, 1877, and 1879, ineffectual attempts were made to get it passed. Twice during that time the second reading was carried—namely, in 1869 and 1879. Throughout all the discussions which took place from 1867 onwards, an attempt was made to treat the question as an entirely Scotch one, and to allay the suspicions of English members by telling them that the laws of hypothec and distress were so dissimilar that no analogy could be drawn between them, and that the abolition of hypothec would form no precedent for the abolition

of distress. How far that attempt was successful it is impossible to say, but the history of the Bill in Parliament at any rate points to the conclusion that the evil was not considered a very crying one.

There were no doubt important differences in detail between the two laws. Distress can only be exercised when the rent is due; whereas hypothec could be exercised for security for rent accruing. Hypothec also allowed the landlord to follow and distrain goods which had been removed from the premises; which distress does not. On the other hand, distress extends not merely to the goods of the tenant himself, but to all goods on the premises, whether belonging to the tenant or to a stranger; which hypothec did not. Distress also can be resorted to without any legal process; whereas hypothec was only a general right entitling the landlord to retention or recovery, which, in order to convert into a real right over specific subjects, and to entitle him to sell for payment of his claim, the landlord had to institute a formal proceeding before the sheriff, called a writ of sequestration.

Such distinctions in detail no doubt placed the two laws on a somewhat different footing; but the principle underlying them both is practically the same; and it is the principle and not the details which are material when discussing a question of the entire abolition of either or both of them. If the principle was wrong in Scotland, it cannot very well be right in England.

I have endeavoured to show that the principle is right in England; and the mere fact that there exists on the Statute Book a law abolishing a similar principle in another part of the United Kingdom, is no argument against my contention, unless it be backed up by proof that the operation of the new law is better than that of the old.

At present it is impossible to show that, as the Act abolishing hypothec did not come into force till November 11th in last year, and, consequently, no evidence is as yet obtainable of the practical working of it.

The examination of the Statute itself is, however, instructive as showing that the Legislature thought the landlord entitled to some substituted form of security, and as showing also the form which that substituted security took.

The Statute, after declaring hypothec to be abolished, in effect enacts that after the commencement of the Act the landlord of any land exceeding two acres in extent, and let for agriculture or pasture, may, if six months' rent be unpaid, and if he have given fourteen days' notice to the tenant of his intention, apply to the judge ordinary. If the facts are proved to the satisfaction of the judge that the rent is unpaid, the judge is to have no alternative but to require the tenant to find security not only for the arrears, but for one year's further rent. If the security be not found within the time limited by the judge, a further order for the expulsion of the tenant is to be at once granted. If the rent is a year in arrears, and the tenant is under lease, then on application to the judge, after fourteen days' notice to the tenant, and on proof of the facts, without anything further, the judge is to order the lease to be forfeited.

It will be seen at a glance that the security substituted by the Statute for hypothec is an amalgamation of the two methods by which a landlord could secure himself, and with which I have already dealt—namely, eviction and the finding of security. I need therefore say nothing further about them separately; and will content myself with remarking, with regard to them when combined, that they form at any rate a less simple process than hypothec, and that the fourteen days' notice required by the Act will afford a dis-

honest tenant an effectual opportunity of diminishing the value of his landlord's security.

I have now dealt with the whole subject, so far as the narrow limits of this Paper allow me, and I will conclude with the following broad propositions, namely:—that the law of distress for rent in England and Wales is justifiable in principle, and in the main just in practice. That the objections to the law are not well founded, and form no ground for the total abolition of it. That, in considering the question of the total abolition of the law, the question of the possible substitutes for it must also be considered, when it will be found that they are neither so effective nor so just as the existing law.

Mr. W. J. BEADEL (Vice-President) had much pleasure in proposing a vote of thanks to Mr. BANKES for his very able Paper, which seemed to him to exhaust the subject most completely, for the author, not content with considering the law of distress as regards England, had enquired into the effects of similar laws in foreign countries, with a view to discover whether its retention or abolition was the more advisable having regard to that paramount object, an increased production of food for the people.

Mr. PHILIP D. TUCKETT (Fellow) said he had great pleasure in seconding the vote of thanks which Mr. BEADEL had proposed, for he had no hesitation in endorsing what Mr. BEADEL had said as to the high character of Mr. BANKES's Paper. It seemed to him, so far as he could judge from merely listening to it once, that Mr. BANKES had dealt with the subject in a very exhaustive and masterly manner, and that his Paper contained exceedingly valuable information as to the origin and history of distress for rent, and as to the

experience of other nations of this and other remedies for its recovery. At a recent discussion, when he (Mr. TUCKETT) had the honour of reading a Paper at the Institution in reference to agricultural legislation, THE PRESIDENT rather particularly asked that the question of distress for rent should not then be dealt with, because this Paper was coming on, and he would, therefore, now add two or three remarks on the subject. When the House of Commons, on the 3rd of May last, passed a resolution that distress for rent in the case of agricultural tenancies in England should be abolished, it struck him as being so remarkable a thing that he made a note of the date. Mr. BANKES seemed to deal with the subject as though it were really limited to agricultural tenancies. He knew that in the House of Commons and elsewhere it was argued as an agricultural question, but he failed to see how a practical distinction could be maintained between agricultural and other tenancies in this respect. Indeed, it had occurred to him that possibly the undeveloped strength of the movement might really be derived rather from small house property in boroughs than from land, because he could imagine how popular a measure the abolition of distress for rent might at first be amongst the multitude of small household voters in the boroughs; and since the last Reform Bill how vastly more numerous were the electors who have to pay rents than those who receive them.

If the owner of small house property were not able to recover his rent by distress, he would be in the unhappy position of having to go to the County Court, when his claim might be met by any unfounded claim in respect of repairs, or otherwise, which a small tenant might allege as a set-off, requiring rebutting evidence and so on, and all the time the tenant would be living rent free; so that small property would hardly be worth owning. But for all that, he did not

believe that the class who now form the vast majority of any borough constituency would long be content without such a measure, if the principle were once established amongst the farmers.

He thought that great thanks were due to Mr. BANKES for pointing out the peculiarity of the relation of landlord and tenant, which seemed to be so much overlooked by people who were so ready to talk of equality with ordinary creditors. A little while since, he commented on the resolution of the House of Commons to a Liberal Member of Parliament who had voted for it, and who was himself a large manufacturer of an article supplied to the retail trade; and this gentleman said, "Well, after all, why should a landlord have preference over other creditors?" He (Mr. TUCKETT) asked him in reply, "How would you like if a dealer who regularly took of you a certain quantity of goods, failed to pay your quarterly account and was not likely to be able to pay it, to be legally obliged to continue to send him the usual quarterly instalment of goods for the next year or so, after you knew none of them would be paid for?" "Oh," said he, "that would not be at all fair." Well, that would be the position of the landlord who could not distrain. Distress for rent, or rather the knowledge that it could be resorted to, was practically (coupled with some concession) the way in which possession was obtained from an impecunious tenant, for ejectment was far too slow.

What a very serious view solicitors take of parting with the possession of real property! for, upon the completion of a purchase, he believed that, even amongst solicitors of high standing, it was not unusual to exchange a conveyance for bank-notes, whereas almost any other document would be exchanged for a cheque. Now, when a landlord placed a tenant in possession of a house or land, he parted absolutely

with the possession of the corpus, or capital, of his property, although he was only to receive from the tenant the interest on that capital by way of rent. It was merely the interest, or rent, which could rightly be compared with the goods, or capital, of the ordinary creditor, and yet the corpus of the estate might be in jeopardy and subject to damage, and to great difficulty in regaining possession of it. And, therefore, if the landlord were only allowed to sue for his rent as any other creditor might, without having the power either of distraining or of immediately obtaining possession again in the case of failure on the part of the tenant, he was not at all in the position of another creditor, but in a very much worse one. The strength of this movement certainly did not come from the tenant-farmers: there was no need to go very far to see that. It seemed chiefly at present to be with the agricultural implement makers, assisted by some dealers in other articles purchased by farmers, and probably by some of those interested in the management of joint-stock banks in the country: private firms of country bankers were probably too generally land-owners themselves to wish for such a change.

The real gist of the whole thing was hit by Sir WM. HARCOURT last year in the House of Commons, when he said, that if distress for rent were abolished the landlord must be given a power of immediate re-entry. But Sir WM. HARCOURT did not say how a landlord could be put immediately into possession of his premises on the failure of the tenant to pay rent, and he (Mr. TUCKER) knew from his own experience that when a tenant had been given notice to quit in a regular and legal manner, and the notice had expired, if the tenant chose to stay on, it was a matter of some considerable difficulty and time to get him out again, and therefore it was much more easily said than

done. Besides, if such a thing really could be done, and a family could be turned out of house and home with almost no notice, it would be a far severer remedy, and a much more cruel one, than the law of distraint.

Then, as regarded distress for rent limiting the tenant's credit with other people, as it was said to do, he ventured to think that it was according to good polity and in the public interest that the tenant should have reasonably good credit with his landlord; but he failed to see why it should be a matter of public importance that a tenant should have more credit with an agricultural implement maker or any other tradesman, than his command of capital gave him at present; because, if he were a good man, he could now have reasonable credit. Live stock was nearly always bought for cash, and many were of opinion that something very nearly approaching to cash payments was, after all, the best form of such transactions. Then, a trader was supposed to be a man of business who had arrangements for looking after his debtors; but hitherto a landlord was supposed to be the owner of a quiet well-secured property, and it would be rather a new principle to put landlords in the position of traders, who might find it requisite to enquire every market day about the latest transactions of each tenant and the state of his credit.

He imagined that the proper solution of the question was something like this — that the ancient remedy of distress for rent was a very appropriate one, and ought by no means to be wholly abolished, but that there were certain abuses and excesses of the power of distress which created grievances and might very well be corrected. In the first place,—if the immunity could be properly protected from fraud by such carefully-considered conditions as would defeat attempts to set up a sham ownership,—the *bonâ fide*

property of strangers, temporarily brought into the farm for legitimate purposes, should be exempted from distress for rent, just as lodgers' goods now are, whether such property consist of steam thrashing machines or cattle taken in to graze. And, in the next place, not for the benefit of the occupier but in justice to his other creditors, it would be fair in principle, and occasionally (though very seldom) useful in practice, to limit the number of years' rent that can be distrained for. There were two precedents, either of which might be copied in any amending law. One was afforded by the Tithe Acts, which gave two years' tithe rent-charge as the amount that can be distrained for. The other was found in the Bankruptcy Law, which gave the landlord only one year's rent in preference over other creditors.

With these remarks he had great pleasure in seconding the vote of thanks.

Mr. H. C. NEWMARCH (Associate) thought that Mr. BLENNERHASSETT's resolution was limited to agricultural tenancies only because the circumstances of other holdings were very different in many essential respects, and because the prevailing depression brought agricultural questions to the front. The power of distress was obviously much more important to the agricultural owner, one reason being that a farm was less easily dealt with than a house. Houses, especially of the smaller class, stood as good a chance of letting at one time of the year as at another; but a farm left in the owner's hands, say in winter or summer, was very difficult to let. In discussing this question, the outgoing valuation should be borne in mind. Was the landlord to have no better claim to the tenant-right issuing from the land left on his hands than any other creditor?

Take the case of a Michaelmas tenancy with one year's notice to quit, and assume that the landlord saw the tenant going wrong in the middle of the first winter, notwithstanding which he could not get him out before the following October twelve-months. What was he to do? It was clear that under these circumstances he might find himself in a very awkward predicament without the preferential claim which the law now gave him. Most persons who had to do with agriculture at the present time would, he thought, agree with him that if distress were abolished many, both of the small and large occupiers, would go to the wall, farming as they were doing with very inadequate capital.

It had been observed that it was an injustice that the cattle of other persons taken in to graze should be liable to seizure, and he was inclined to agree that it involved some hardship; but he might point out that if such cattle were exempted, say in districts like the vale of the Severn, where farmers depended on the cattle they took in on "joist," or "tack" as they called it, it would amount to a virtual abolition of the law of distress in such districts. As regarded the exemption of agricultural implements he agreed with Mr. TUCKETT entirely.

Mr. G. J. BROWN (Fellow) thought that everyone in the room must feel how ably and fully the Paper had dealt with this subject, which every land-agent must admit to be one of very great importance, but, like many other subjects, its importance was liable to be a little exaggerated, for the Members would, probably, bear him out in saying how seldom one had to resort to distress in connection with agricultural holdings. It was as a rule only done where there

was an attempt at something like fraud on the part of the tenant, in which case the action taken by the landlord was in reality as much for the benefit of the creditors as for his own benefit. He had known instances during the last few years in which property would have been made away with more to the detriment of the creditors than of the landlord, if distress had not been put in. The landlord had generally a kind of sheet-anchor to hold on by in the valuation, and was not in a hurry to put in a distress. It was rather a pressing question, however, and one likely to come before Parliament again, and, indeed, a Bill was now before the House, having for its object the abolition of distress for tithe rent-charge and what was somewhat remarkable, the Bill in question was endorsed by two well-known Conservative Members of Parliament. As tithe rent-charge came before rent, it was very evident, when it was proposed to get rid of the right of distress in respect of the former, that its abolition as regards the latter would probably not be very long delayed. No doubt many of the objections to the law of distress would be met by a limitation of the time in respect of which distress might be levied, and by the exemption from seizure of articles belonging to third parties, but, as a matter of equity, the landlord must have security of some sort for accruing rent.

Lastly, as to the landlord's security for his rent in the event of distress being abolished. He managed, some years ago, an estate in Ireland where the agreements stipulated that rents, say of £100, were reducible to £80 on being punctually paid. He believed it was the law that a penal rent could not be enforced, but that a smaller rent than the nominal rent could be substituted for it by way of inducement to punctual payment. That might be one form in

which, in some cases, security could be given to the landlord in the event of the present law of distress being abolished.

The vote of thanks having been put and carried unanimously, the further discussion of the Paper was adjourned to the next Meeting.

AT
THE ORDINARY GENERAL MEETING,
Held on Monday, March 13th, 1882.

THE PRESIDENT, MR. E. RYDE, IN THE CHAIR.

The adjourned discussion on the Paper by Mr. J. E. BANKES (Associate), on "Distress for Rent," was resumed by

Mr. F. MEADOWS WHITE, Q.C. (Associate), who said that he had read, with great interest, the complete and lucid history of the law of distress, prepared by Mr. BANKES, and the sensible, practical observations which the Paper contained. The few remarks he was about to make would be supplementary rather than critical.

There could be no doubt that the law of distress was one of the most ancient features of the law of this country, and that it arose out of feudal institutions—out of the right which the feudal lord had, when any service was denied him, of retaking possession of his feud. It was probably introduced shortly after the Conquest (though he would not pledge himself to a date), in order to mitigate the severity of the then existing law, by providing something which should give the lord security for services while leaving the defaulting tenant in the possession of his holding. It owed its origin not to any distinct legislative act, but to the lawyers whose duty it was to decide these matters between the parties concerned.

It was found on investigation that the law of distress gradually received its modifications from two sources—one being the series of Acts of Parliament enumerated by Mr. BANKES, some in favour of the landlord, and some of the tenant; the other, the decisions of the judges, who were in the old times accustomed in effect to make law as well as to declare it. The judges of the present day neither legislated nor introduced variations in the law, and the result was that the law of distress now stood as it was fixed by decisions given at a time when the law could be more easily moulded to meet alterations of circumstances, and to bring it into accordance with the progress of the times. At present we must look to the legislature for any change in the law. He had had some considerable experience of the operation of the law of distress, and there were two or three propositions which he should like to lay before the Institution. One was that this was a very ancient law, and conferred a right on the owner of land which was well defined and well understood. There had been no want of opportunity, during various periods of the history of this country, for its reconsideration, its modification, and (if necessary) its abolition, had the legislature pleased to deal with it in these ways. But inasmuch as it has survived up to the present time, those who now sought to abolish it had to overcome a very strong presumption in its favour. If the landlord had a clearly established right, though, of course, that right could not be maintained against public opinion or the well-considered action of the legislature, yet he ought not to be deprived of it without good cause shown. He happened to be in the House of Commons on the recent occasion when Mr. BLENNERHASSETT's motion was under discussion, and was very glad to see in the result that this view had weight and that both parties agreed that nothing should be done without due enquiry.

He was far, however, from saying that the law needed no

amendment. It might be asked would it not fully meet the equity of the case if the landlord had the power of executing process against the goods of his tenant without having the power to take the goods of a third person, a right which had operated in many cases very harshly, as for instance, where cattle had been taken in agistment. He had not been able to trace the precise grounds upon which this claim to the property of third persons rested, though the justice of it did not appear to have been disputed in ancient times. Two reasons were given for it in the law books; first, that everything on the land belonged to the tenant which did not, by a strong presumption, belong to somebody else. This seemed a very sound precept, if the law had gone a little further and given the person against whom the presumption operated the power of displacing the presumption. But it was not so; the presumption existed, and, unless in some few excepted cases, could not be displaced.

The other reason alleged was one for which there were analogies in law—the possibility of fraud. It was argued that if the law were otherwise, the tenant could, by bringing cattle and stock on his land, make a fraudulent show of property which was not his own; an argument something like that on which were based the order and disposition clauses of the Bankruptcy Acts. Whether these reasons were or were not strong enough to justify the law as affecting third parties was fair matter of discussion; but they failed on the whole to satisfy him personally that it was just or right or in harmony with modern notions of equity that the law on this point should be upheld in its integrity. If it be the case that the exemption of the property of third persons from seizure might have the effect of enabling the tenant to make a fraudulent show, might the case be met, say, by the registration at the nearest post office of the stock or other property of third persons to be put on the farm?

The decisions against the right of the Agister of cattle to claim his cattle as against the landowner was a good illustration of what he had said, how the law was fixed by judicial decision. Another example of the effect of the action of judges upon the law was the decision which exempted from distress goods in the custody of warehousemen, obviously following out the old line of decision, which, in very ancient times, exempted horses at a shoeing forge, on the ground of the very strong presumption that they belonged to somebody else than the shoeing smith. This old judgment was the nucleus of a series of decisions which exempted goods brought on premises for the purpose of being wrought in the way of trade, and these relaxations of the law constituted an excellent precedent for those who sought to modify the law of distress while preserving in substance the landlord's preferential right as against other creditors.

But the question was not so much one for lawyers (except in so far as it was desirable to understand what the law was before amending it) as it was for practical men who knew how the law operated, and when it wanted amendment.

The question was therefore very suitable for the consideration of the Institution, numbering as it did among its Members those who were brought into the closest contact both with tenant and landowners, and who had, as it were, to hold the balance between them.

Mr. A. M. DUNLOP (Fellow) said that Mr. BANKES'S Paper had so completely exhausted the subject, and had so fully expressed the views of the Members of the Institution, that it was difficult to supplement it with anything of practical value. The author had observed (page 187), "With regard to the second class of objections, I appeal to the practical experience of the Members of this Institution whether, in England and Wales at any rate (leaving Ireland

“ out of the question), there is any unhealthy competition for
 “ land, or whether rents are raised above their proper level in
 “ consequence of the existence of the law of distress, or
 “ whether landlords are encouraged to accept tenants whom
 “ they would reject but for the protection which they enjoy
 “ from that law.” He (Mr. DUNLOP) had no hesitation in
 saying that the majority of the Members of the Institution
 would entirely agree with these remarks, which seemed to
 him, from a cursory perusal of the Paper, to embody its
 main sum and substance. There were very few agents
 whose experience did not furnish instances where, if the
 tenant had been obliged to turn out because he did not pay
 his rent on the 25th March or the 29th September, the
 greatest hardship would have resulted. Was not the agent’s
 discrimination most frequently called into exercise in the
 case in which he saw the striving tenant doing the best
 he could for himself and family, with the ultimate object
 of doing his duty to his landlord? Where would such a
 case be if the landlord, whose land the tenant rented, had to
 stand in on the same footing with creditors who had, say,
 for instance, sold the man a machine, or perhaps a lot
 of manure? It appeared to him that a small tenant would
 would be a very poor creature indeed if he were at the mercy
 of every man who induced him on market day to buy
 machines or manures, and who shortly afterwards might
 come down on him and make him bankrupt.

There were many instances where the landlord, by giving
 that extension of credit which the present law made possible,
 enabled such a man to pull over the fence. For his part
 he did not see why the machine manufacturer or the
 manure merchant who made large profits on the articles
 they sold, and who chose to give the tenant credit for them,
 should claim to come in and rank as creditors with the land-
 lord, who only received a small rate of interest, in the shape
 of rent, on his capital. It would be, he was certain, the

worst day that ever dawned for English farmers when the present law of distress was materially disturbed.

Mr. W. J. BEADEL (Vice-President) quite endorsed the observations of previous speakers as to the value of Mr. BANKES's Paper. As Mr. MEADOWS WHITE had said, the law had existed unchallenged as to its main principles from very remote times, and all its harsher features had been softened down by presumptions in favour of the tenant, and there was, so far as he could see, no valid reason for its abolition.

He should hail anything in the world which meant putting the agriculture of England into the position it occupied a few years since, but he failed to see that any changes in the land laws would in the least degree remedy the evils from which English agriculture was now suffering. So far as the law of distress was concerned, he believed that not only had it not operated injuriously to tenants, but had been the means of keeping half of the farmers of England out of the Bankruptcy Court. Indeed, landlords were bound by their own interests, if by no better motive, to use the powers which the law of distress gave them with the greatest leniency, as in doing their utmost to assist the tenants lay their best chance of recouping themselves the heavy losses of recent years. Consequently, the agitation, if justifiable at any period, was certainly ill-timed at the present moment, when rents had fallen in many cases so much into arrear that the landlords had found it necessary to regard the arrears as bad debts, and start afresh with their tenants.

There was no doubt that the occupation of land stood in a totally different category from that of house property. In the case of an ordinary Michaelmas tenancy, it was a year before the tenant could recoup himself one *iota* of his outlay upon the land. The landlord was therefore bound,

in the nature of things, to give him an amount of credit which was neither given nor needed in any other business. It was open to an agricultural implement maker, or a dealer in seed, corn, or cattle, to insist upon cash transactions, but the landlord was bound to wait for his money ; and this being so, it was only reasonable that he should have some such security as the law of distress afforded him. The only alternative was to demand the rent in advance, which would mean further crippling the man he desired to help. Surely it must be undesirable to abolish a law which gave the tenant a reasonable time for recouping his outlay.

It had been asserted that the law of distress induced landlords to accept impecunious tenants, and encouraged an undue competition for farms. He would undertake to say that there was not a gentleman in the room representing a landowner who allowed for a moment an influence of that kind to actuate him. What advantage was it to a landlord to take an impecunious tenant ? And was it not the fact that the landlord, having by far the greater interest at stake, suffered relatively much more severely than the tenant when the latter fell into difficulties ?

Every agent present was aware how rapidly land deteriorated in the hands of a dishonest or impecunious tenant, who, in the course of two years could do an amount of mischief that it would take three or four years to repair, and owners and agents were fully alive to the risk they ran in accepting as tenant a man of insufficient means.

There was, therefore, no truth, he contended, in the allegation that the law of distress induced landlords to accept impecunious tenants, or that it raised the competition for farms.

Mr. T. SMITH WOOLLEY (Vice-President) could not deny himself the pleasure of thanking Mr. BANKES most warmly for his admirable Paper, and would like to record

his opinion, as a practical man, that the law of distress had operated very decidedly as a boon to the tenant-farmer.

Mr. C. W. MILLAR (Fellow) did not think that any Member of the Institution would agree that the abolition of the law of distress would operate in the interest of the tenant-farmer.

Looking at the matter from the landlord's point of view, it might be asked why should the landlord be placed in a worse position than those who required a much larger return upon their capital than the $2\frac{1}{2}$ or even 2 per cent. with which the landlord was contented, and who, in view of that fact, was surely entitled to a preferential security?

There was another class of persons who had preferential security, and who did not feel satisfied with 2 per cent. for their capital. He alluded to those who lent money to farmers and others and took bills of sale as security for their loans. The holder of a bill of sale generally charged a high if not an exorbitant rate of interest, and his powers were even more arbitrary than the powers of a landlord under the law of distress. He did not require to demand his interest or instalments if these instalments were not paid punctually, but entered on the premises wherever the goods or chattels were, and took them away without offering the grantor of the bill time or opportunity of redeeming them.

He did not believe that those who were proposing the abolition of the law of distress were actuated by any genuine desire to serve either the landlords or the farmers, but were influenced by other considerations entirely. It appeared to him that those who were proposing the abolition of the law were the persons who supplied the tenant-farmers either with money at a high rate of interest or with goods at a high rate of profit. It was a curious fact that the Bill lately introduced into the House of Commons by Mr.

BLANNERHASSETT, who represented a county in the west of Ireland, did not propose to deal with the law of distress in Ireland, and the Bill was principally supported by the member for Bedfordshire who was less interested in the welfare of tenant farmers than the landlords were.

Most of the speakers seemed to be agreed that the law of distress would bear limitation or amelioration. A limitation to two years' rent commended itself for adoption, and he entertained no doubt that the goods of third parties should be exempted from liability to seizure.

One matter should be borne in mind in the event of any change in the law—he referred to the exorbitant costs now incurred by the tenant-farmer distrained upon. If the amount of rent happened to be over £20, the tenant had no means of estimating the cost to which he was liable if he did not pay out the distress before it came to condemnation. He thought he should be borne out in saying that the costs generally came to some 20 per cent. on the amount of the rent levied for. It might be thought desirable in dealing with the law of distress that the costs should be limited where the amount was over £20, as was the case where they were under £20.

Mr. D. WATNEY (Fellow) said that if the Paper had been announced some four or five years since, he should have had some doubt in his mind as to whether the abolition of the law of distress might not be to the advantage of the tenants and landlords of England; but at the present time he was fully convinced by practical experience during the last five or six years—during what he might term the period of agricultural distress,—that its abolition would be greatly to the disadvantage both of tenants and landlords, and if there were wanted any further proofs of this, they would be found in the very admirable Paper read by Mr. BANKES, and in the discussion which had taken place.

He would not say that the law of distress was incapable of modification for the general good, but he thought that great care should be taken with any legislation on the subject, so as not to interfere with those kindly feelings in giving every indulgence to his tenant about the payment of rent, which now actuated the landlord, knowing as he did, that he was perfectly safe. He took exception altogether to the claim set up for the exemption of the goods of third persons, because he believed that such an exemption would open the door to fraud of a very grave character. If the goods of third persons were free, the moment the tenant found that he was getting into difficulties he would sell to his friend or creditor the whole of his live and dead stock and furniture, and take live stock into keep. He ventured to think that this would entirely defeat the interests of the landlord, and would simply be an inducement to the agricultural implement makers and others to let their goods go all over the country on hire.

If the law of distress were modified the rights of the landlord to enter on the land should, he thought, be enlarged, so as to enable him to regain possession without loss of time of land for which he was getting no rent, and which was rapidly deteriorating in value. He had a case in hand at the present time, where the tenant after farming badly had taken off the whole of his stock, and gone away in the night, leaving the place vacant. There was nothing to distrain on, and for three months they had been going through the tedious process for obtaining possession, but the desired results seemed as far off as when they began.

Mr. J. WEALL (Fellow) felt very much indebted to Mr. BANKES for the able exposition he had given of the law of distress, and for the time and trouble he had taken in tracing its history. Doubtless there were many in that room who, until the past two or three years, had had very little

experience of the operation of the law, and he trusted that this might be the case in the future.

At page 192 the author remarked that "distress for rent ousted re-entry, on the ground that the latter system worked harshly towards the tenant, and was unfair to his other creditors, in that it deprived him of the means of earning money wherewith to pay his debts." He should be sorry to be an advocate of any retrograde movement, but he agreed with Mr. WATNEY that the landlord ought to have a quicker power of re-entry. If land went out of cultivation it was a loss, not only to the landlord but also to the community at large, and he felt it was imperative that the landlord should be able to resume possession more speedily than at the present time.

In a recent case, within his own experience, the tenant was in a state of impecuniosity, and had not the slightest chance of paying his rent or of farming his land, and after having vainly offered to take the farm off his hands, and purchase the whole of his farming stock by valuation, he (Mr. WEALL) found there was nothing left but to distrain.

Accordingly distress was levied, and there was insufficient to meet the landlord's demands, to say nothing of the other creditors. Notwithstanding this, the tenant, like the man referred to by Mr. WATNEY, refused to go. The matter was put into the hands of a solicitor of great experience, but it was not until more than six months after the distress was levied that possession was obtained. The whole season was lost, and, as might be imagined, the landlord lost very considerably in getting rid of the weeds which had accumulated and in cleaning the land to bring it into a fit state to re-let. In a case of that sort there should be some method whereby the landlord should have the power to re-enter, giving the tenant the power to make a counter-claim, and to appoint a valuator to go into the matter.

Mr. G. D. YEOMAN (Fellow), said that there were one or two points to which he might briefly refer. On page 178 of the Paper, the author said, speaking of the landlord, "However much he may have reason to doubt his tenant's credit, he has no power of putting an end to the bargain, * * * * and he may find himself saddled with a tenant unable to pay his rent." That might be so with a lease, but he could not go the whole way with Mr. BANKES in that statement. He agreed, however, with what he (Mr. BANKES) had said with reference to the hardship of seizing the property of persons other than the tenant, simply because it happened to be upon the land, and he was the more impressed with this after the remarks of Mr. MEADOWS WHITE as to cattle straying on to the land, through the misfortune of a broken fence. If the law was as Mr. WHITE had stated, it was conceivable that a tenant in arrears with his rent might deliberately break down the fence between his farm and his neighbour's, in order that the cattle might come on to his farm, and be seized in satisfaction of his landlord's claim. It was equally hard that stock taken in on "joist," or a steam plough or other implement not the property of the tenant, should be liable to seizure, though, as Mr. WATNEY had shown, there was another side to the question. On the whole, he thought the law of distress wanted a little alteration in this particular, but its total abolition would, without doubt, be a great hardship on landlords, and certainly on tenants—especially small tenants—and he was strongly against its repeal.

A large tenant farmer in Norfolk with whom he was recently discussing the question expressed a strong opinion in favour of the abolition of the law, and in answer to his (Mr. YEOMAN's) objection that the result would be that a great many of the small tenant-farmers would go to the wall, replied that he had no doubt they would in any case go to

the wall, but that the sooner this law was repealed—a law which was unfair to the larger farmers and to the manufacturers and tradesmen with whom the farmers deal—the better it would be, and that there was no reason why the landlord should have a preferential claim, while the men who find the tenant in food and drink had no claim until the landlord's claim was satisfied. He mentioned this to show the point of view from which some farmers regarded this question.

As regarded the frequency with which the powers conferred by the law were exercised, he observed it stated a few days since by the Duke of DEVONSHIRE's agent that there was only one case in a long series of years in which a distress for rent had been put in on the Duke's estate. He believed that landlords like the Duke of DEVONSHIRE and other large owners were much more the farmer's friends than were the bankers or traders of various kinds with whom this agitation originated.

Mr. BANKES, in reply, said he felt that he was in rather a peculiar position with regard to his right of reply which, as he understood it, was a right to answer objections; but the remarks which had been made by various Members went so entirely to support his views that he did not find that he had anything to reply to. Points had been made by some speakers to which he would refer rather in explanation of his Paper than in answer to any objections made to it. Before doing so, however, he must express his thanks for the way in which his Paper had been received.

In the first place he thought he might say that the position of the law of distress was very different now to its position at the time he wrote his Paper. At that time Mr. BLENNERHASSETT's motion in favour of a total abolition of the law had just been carried in the House of Commons without a division, whereas the subject had just lately been

again brought before the House of Commons, and had been thought worthy of prolonged discussion. A Select Committee had been appointed to enquire into it, and he hoped, in the interests of the community at large, that the Committee would thoroughly investigate the subject. He believed the result of the investigation of the Committee would be to recommend that the law should be upheld in some form or other. He had always been of opinion—and the discussion upon his Paper had confirmed and strengthened that opinion—that it was impossible for anyone who had a thorough knowledge of the history and the incidents of the law to condemn it as a whole.

No objections had been made by the various speakers, either to his facts or to the conclusions he drew from them, and he felt that the general opinion of the Institution was in favour of the retention of the law. His original object in writing his Paper was, as far as he could, to lay down the principle of the law, and to show its history and incidents. His idea was not to complicate his Paper by dealing with any questions of possible amendments of the law, which would have led him off the main point, but simply to deal with the law and its principles, and to show from them whether or not it was desirable and advantageous in the interests of agriculture and of the community generally that it should be entirely abolished.

In his Paper he had merely alluded, in passing, to the fact that amendments were suggested and might be possible, but as various speakers had dealt with the question of amendment of the law, he might, perhaps, be allowed to allude to those proposed amendments. First, with regard to the limitation of time. It seemed to him that it was desirable that the power of levying a distress for rent should be limited to two years, for this reason, that it was undesirable to allow a tenant to get very many years in arrear. Such a tenant would not, in all probability, be a desirable person to

retain on a farm either in his own interest, in that of the landlord, or of the community at large. The benefit conferred by the law of distress ceased to be a benefit if allowed to accumulate for too many years. In the majority of cases, when many years' rent was in arrear, it would be impossible for a tenant to recover himself. Therefore, in his opinion, the time should be limited within which a distress for rent could be levied.

With regard to the other principal amendment proposed, namely, the exemption of the goods of third persons, it was an extremely difficult question because, as had been pointed out by Mr. WATNEY, any amendment of the kind opened the door to gross fraud. The moment it was said that another man's goods should not be seized on the tenant's land, the object of the tenant, if he were in the least behind hand or pushed, was to convert his own property and make it somebody else's so that it should not be seized. It was very difficult to know how to approach this question. It might be possible, however, to deal with it, and he would suggest that live stock on the tenant's land should never be exempted from distress. With regard to the hardship to which some speakers had referred, of distraining upon cattle which had strayed upon the tenant's land that was a comparatively rare case, and he did not think one which need be taken into consideration in discussing the question. The case of cattle being agisted had been mentioned, but it seemed to him that the hardship inflicted by distraining upon such cattle would not be greater than the inconvenience of exempting them, and on the whole he thought that it would avoid many difficulties if the operation of the law were not to be removed from live stock in any case. But supposing that were not thought to be a reasonable course, an amendment had suggested itself to him which would, perhaps, obviate a good deal of fraud, namely, to say that live stock or property which was on the

farm, and which ever had been the property of the tenant, should never be exempted, but that other property and live stock should be exempted.

His own impression was that it was better not to exempt live stock at all, whether the property of the tenant or not ; but he thought it would be a good thing to exempt other classes of farming stock—*i.e.*, implements, and what was sometimes called dead stock, which were not the property of the tenant, and which never had been his *bonâ fide* property. To his mind, it was in the interest both of the landlord and the tenant that the latter should have the best possible implements. He got his work done better and cheaper in every way, and he thought it would be in the tenant's interest, and in the landlord's interest also, if they were exempted from the law of distress. He did not see that this would be a hardship to anybody, for during the time they were on the farm they were doing the landlord and tenant good. If, on the other hand, they were seized—if a threshing-machine, say, was seized on the farm when it came to do a day's threshing—it seemed to him a very great injustice. With these remarks, he would leave that part of the subject, and would proceed to deal with one or two questions which had been put to him by some of the speakers.

Some remarks had been made by Mr. WATNEY and another gentleman with regard to the power of turning out a tenant, but that seemed to him a question altogether apart from the law of distress. With regard to the case Mr. WATNEY had referred to, where a man had quitted the farm at night, leaving nothing to distrain upon, that was an example of one respect in which the law of ejectment required amendment to enable the landlord to recover his land. Such cases might be easily provided for. It was true that the question of ejectment was worked in with the law of distress, as many people said that if the law of distress were

abolished, the powers of ejecting a tenant must be increased; but as a matter of theory the two questions seemed to him to be distinct, and should be dealt with separately.

There was only one other point that he wished to refer to. Both Mr. TUCKERT and Mr. BEADEL drew attention to the fact that his Paper dealt merely with the question of distress as applied to agricultural holdings. It did apply entirely to the question of agricultural holdings, and for the reason that no attack had ever been made on distress as applied to property and buildings in towns; and when he was thinking over this subject, before writing his Paper, it seemed to him a very strong example of the kind of agitation which had been set on foot against distress. He did not think it could be contended that the principle of the law of distress, when applied to agricultural holdings and when applied to property and buildings in towns, was in the least bit different; they were the same. If there were an agitation against one and not against the other, it was to him apparent that there must be something underlying the agitation; and, if anybody took the trouble to study it, they would find that agitation against hypothec and distress was a "pocket agitation"—that is to say, an agitation by implement-makers and large tenants, backed up by people who, in his humble opinion, had shown great ignorance of the subject.

In conclusion, he again wished to tender his very best thanks to the Members of the Institution for the kind things they had said of his Paper.

THE PRESIDENT said it was a very easy matter to sum up a discussion in which the opinions were all in one direction, as might fairly be said to be the case on this occasion.

There were one or two points, however, which he felt a little surprised had not been more particularly alluded to. The law of distress was one thing, the actual practice of it

another. No one had risen, either in that room or elsewhere, to say that from day to day or week to week he had seen this law of distress put in force to the injury of the tenant-farmer. The fact was that the existence of the law was a sufficient protection to both landlord and tenant, and was a safeguard against its being put in force.

This was a discussion confined to the law of distress as applied to agriculture, but there was no reason why a little experience should not be borrowed from what took place in towns to illustrate what would probably happen if the property of third persons were exempted. The law of distress had been materially altered as regards the goods of lodgers, and it was notorious that if a distress was put in on the furniture of a house, the only room found to be well furnished was the one which happened to be in the occupation of the lodger! This went to corroborate the remark which had fallen from Mr. WATNEY.

Attention had been called by Mr. MILLAR to the exorbitant costs attending a distress. There were two sides to every question, and it must not be forgotten that the man who carried out the distress did it at considerable peril, for the least illegality rendered him liable to severe consequences. Therefore though these costs might seem a hardship and might at the first blush appear excessive, he did not think, taking all things into consideration, that the sums charged by the broker who exercised the law of distress, could on the whole be fairly complained of.

The opinions of the Members seemed to be tolerably unanimous that the law of distress should be modified to the extent of limiting the amount that should be distrained for to two years' rent.

The Meeting then adjourned.

GLEBE TERRIERS.

BY R. R. ROWE (FELLOW).

*Read at the Ordinary General Meeting of THE SURVEYORS' INSTITUTION,
March 27th, 1882.*

THE PRESIDENT, MR. E. RYDE, IN THE CHAIR.

DEFINITION.

The word Terrier is from the French, *terra*, earth.¹

“ By terrier we mean a book or roll in which the several
“ lands, either of a private person, or of a town, college,
“ church, &c., are described. The terrier should contain
“ the number of acres and the site, boundaries, and tenants
“ names of each piece or parcel²; also the rents they pay
“ and services they owe.³”

What Domesday Book was to the whole of England, or
a court roll is to a manor, a glebe terrier is to a parish.

DECREES.

From Barbosa, “Jus Ecclesiasticum Universi,” Book iii.,
chap. 17, sec. 53.

“ In order that it may clearly appear what are the
“ goods of the Church appertaining to each benefice, the
“ beneficiary is bound to make a written inventory of them.

“ Since the Canon Law forbids that the property of the
“ Church should be wasted, it is expressly provided that every
“ bishop or other prelate, and every (beneficed) clerk should

¹ Johnson's “ Dictionary.”

² Rees' “ Cyclopædia.”

³ Cotgrave “ Dict.” By Howell, 1660.

“carefully compile a written statement of what are the goods of the Church in his possession, more especially those which are immoveable.”

Barbosa is one of the greatest of the canonists.

The canonical provisions to which he refers are these:—

1. From Gratian (*i.e.* the decretum or first part of the “Corpus Juris Canonici”).

Causa xii., qu. i., cap. xx. Ex-concilia Martini Latlarensis (A.D. 649).

“There must be a clear manifestation made of what property appertains to the Church, so that all priests and deacons who are concerned in it may know the same so that should the bishop die suddenly, the Church may not suffer loss.”

2. From the Apostolic Canons.—(Scholars differ as to the exact age of these canons, but all admit now their ante-Nicene origin. They probably belong to the 3rd century).

Canon 40.—“Let the private goods of the bishop, if he have any, and those belonging to the Lord be openly distinguished. For this is just before God that the Church suffer no loss.”

Canon 41.—“We command that the bishop have power over the goods of the Church.”

3. From the 3rd Council of Carthage (A.D. 397).

Canon 49.—“We ordain that every bishop, priest, or deacon, who having been ordained without private property, shall, during his episcopate or clericate, hold lands or other⁴ property in his own name without formally advising the ecclesiastical authorities thereof, shall be held liable for trespass, unless indeed such property shall have been acquired by private munificence for his own use.”

4. 9th Council of Toledo (A.D. 655).

⁴ Clearly from the context meaning Church property.

Canon 4.—Provides that all who have the administration of Church property shall keep a written inventory. So also Canon 54 of the Council of Agde (A.D. 506).

EGBERT, Archbishop of York, made a collection of canons from the records of various councils A.D. 740. It is generally known as “The Excerpts of Egbert;” it is there decreed that “every church of common right is entitled to “house or manse and glebe”: hence, Lyndwood’s definition, “Gleba, id est terra in quâ consistit Dos Ecclesiae.”⁵

No. 87 of “The Constitutions and Canons Ecclesiastical,” A.D. 1603, runs thus:—“A terrier of glebe lands and other “possessions belonging to churches. We ordaine that “the archbishop and all bishops within their several dioceses “shall procure (as much as in them lieth) that a true note “and terrier of all the glebes, lands, meadows, gardens, “orchards, houses, stocks, implements, tenements, and “portions of tithes, lying out of their parishes (which “belong to any parsonage or vicarage or rurall prebend), be “taken by the view of honest men in every parish, by the “appointment of the bishop, whereof the minister to be one, “and be laid up in the bishop’s registrie, there to be for “a perpetual memorie thereof.”⁶

QUEEN ANNE, A.D. 1710, issued letters of business to Convocation directing “the making provision for preserving “and transmitting more exact terriers and accounts of “glebes, tithes, and other possessions and profits belonging “to benefices.”⁷

A.D. 1710, a careful and detailed report upon terriers was made by the Lower to the Upper House; but in A.D. 1711 the Lower House refused to concur with the Upper upon a point of procedure, and the matter dropped.⁸

⁵ Gibson’s “Codex,” Lond. 1713, Vol. ii., p. 689. ⁶ Canon 87.

⁷ Lathbury’s “History of Convocation,” Lond. 1842, pp. 343, 336, 345.

⁸ Cardwell’s “Synodalia,” Vol. ii., pp. 734, 740.

A.D. 1717, GEORGE I. issued a letter to Convocation, containing as one of the heads, "The making provision for "preserving terriers and accounts of glebes and tithes."

As Convocation ceased to act synodically in that year, nothing was done as to terriers.⁹

ANCIENT TERRIERS.

HERVÉ, the first Bishop of Ely, caused an account of Bishop ETHELWOLD's benefactions to Ely to be compiled by one of the monks, between A.D. 1108 and 1131.¹⁰

After the conquest of Jerusalem by Saladin, A.D. 1187, nineteen terriers were made of the city of Acre, which was divided and partitioned among as many Princes and Orders of Knights.¹¹

In the Exchequer there is a *terrar* of all the glebe lands in England, made about 11 Edward III.¹²

John Norden, in his "Surveyor's Dialogue," A.D. 1618, shows how a terrier should be made for a manor; substitute *benefice* for manor, and his instructions equally apply.¹³

He quotes as the earliest makers of terriers the prophets Moses and Joshua, when they divided to every tribe its portion of land, B.C. 1450; and the angelic surveyor, B.C. 519, "with a measuring line in his hand, to measure Jerusalem, "to see what is the breadth and what is the length thereof."¹⁴

Fitzherberde on "Surveying," A.D. 1539, sets forth the terrier of a parsonage.¹⁵

⁹ Lathbury, p. 386.

¹⁰ "Liber Eliensis," ed. by Rev. D. J. Stewart, Lond. 1848, p. 6.

¹¹ Favyn's "Theater of Honour," 1623, Vol. ii., p. 388.

¹² Cowell.

¹³ Arch. Pub. Society reprint, by John W. Papworth, 1850.

¹⁴ p. 7, Numbers xxvi. 53; Numbers xxxiii. 54; Joshua ii. 23; Zechariah ii. 2.

¹⁵ cap. 20, folio 40.

In Newcourt's "Repertorium," A.D. 1708, extracts from glebe terriers in the diocese of London are printed from *circa* A.D. 1610, but all the glebe there recorded cannot now be found. Occasionally, terriers may be found fairly written in parish registers, as at Wendy,¹⁶ A.D. 1656. In County Histories there are references to terriers and losses of glebe far too numerous to quote here, but the following, taken at random, may be cited by way of example:—

Bottle Claydon.—Terrier, dated A.D. 1607, notes existing glebe, and "formerly one yard land then lost."¹⁷

Bridgham.—"At the time of Norwich Domesday (in the "reign of K. Hen. III.) the rector had a house and 50 acres "of land, but now he hath a house . . but there remain but "39½ acres of glebe."¹⁸

Whepsted.—At the time of the Conqueror's survey, there was a church here endowed with 30 acres of free land. In the 14th year of Edward I. the church had 24 acres. The glebe consists at present of no more than 4½ acres.¹⁹

In Dallaway's "History of Sussex" the dates of old terriers are given.

LEGALITY.

Burns, in his "Ecclesiastical Law," after reciting Canon 87, says:—

"It may be convenient also to have a copy of the terrier "exemplified, to be kept in the church chest."

"These terriers are of greater authority in the Ecclesi-
"astical Courts than they are in the temporal, for the
"Ecclesiastical Courts are not allowed to be Courts of
"record, and yet even in the Temporal Courts these

¹⁶ Dio. Ely. ¹⁷ Lipscombe's "Bucks," 1847, Vol. i., p. 170.

¹⁸ Blomefield's "Norfolk," 1739, Vol. i., p. 296.

¹⁹ Gage's "History of Suffolk," 1838, p. 399.

“ terriers are of some weight, when duly attested by the registrar. Especially if they be signed not only by the parson and churchwardens, but also by the substantial inhabitants; but if they be signed by the parson only, they can be no evidence for him; so neither (as it seemeth) if they be signed only by the parson and churchwardens, if the churchwardens are of his nomination.”

“ But in all cases they are certainly strong evidence against the parson.”

“ Terriers, though signed by the churchwardens only, are admissible as evidence, and they are also admissible against the rector, though signed by none claiming under or acting for him.”

“ Terriers alone are not sufficient to prove a modus.”²⁰

Burns sets out, in his book, a carefully-prepared model form of glebe terrier.

Sir Robert Phillimore in his “Ecclesiastical Law,” under the title of “Residence,” quotes Burns as to terriers.²¹

NEGLIGENCE OF CLERGY AND CHURCHWARDENS.

During the long period of ecclesiastical apathy that followed the death of Archbishop LAUD, A.D. 1645, the care of terriers was as much neglected as any other Church duty. From this cause, chiefly, an immense amount of property has been lost. Not one-half of the parishes in Cambridge-shire have terriers. As an illustration of the continued clerical indifference herein, it may be noted that at the primary visitation of the Bishop of Ely in 1878, though all the 500 clergy in the diocese were cited to produce their terriers, for deposit in the Diocesan Registry, only four were forthcoming.

²⁰ Burns’ “Eccl. Law,” 9th Ed. 1842, by Dr. Robert Phillimore.

²¹ Vol. ii, p. 1458.

In a northern diocese the bishop's secretary complains that the matter of terriers has, to his knowledge, been frequently brought before the clergy by the bishops and archdeacons in their charges during the last forty years, but without much effect.

EXCUSES FOR NEGLIGENCE.

Some clergymen have an idea that the presentation of a glebe terrier to the Diocesan Registry partakes of *espionage*, and so they evade the duty by non-compliance; whereas it is no more akin to prying into private affairs than the existence of the parish enclosure award setting forth lands allotted to all the parishioners, or the tithe-rent commutation award, or the poor's-rate book. Others imagine that because an enclosure award and a tithe commutation award have been duly deposited in the parish chest, terriers are not now necessary. This is a very great mistake, for it frequently happens that the glebe lands belonging to a benefice are situated in two or more parishes, and even in different counties—*e.g.*, Whaddon, Cambs, has a share of glebe in Leicestershire, 90 miles distant.

DIFFICULTIES THROUGH ABSENCE OF TERRIERS.

The archdeacons and rural deans are hindered in their duty of inspecting glebe during their annual parochial visits, but the inconvenience arising from the absence of a terrier is specially felt by an incumbent, who, as a stranger, takes possession of a benefice, vacated by the decease of one who had held it for half a century. The new-comer knows not what belongs to him, and is obliged to refer to churchwardens, the parish clerk, or other inhabitants who were never admitted into the late parson's confidence. He is a

fortunate man if, in taking possession of what he assumes to belong to him, he does not miss something, or offend some parochial magnate, or unwittingly arouse a prejudice against him on the part of his poorer neighbours. How is a new incumbent to meet "the demand often made upon him for fixtures? A schedule of fixtures is frequently as absent as a terrier. The auctioneer of a deceased incumbent's furniture makes out a claim for stoves and other fixtures that frequently belong to the freehold, and, if paid for, they become alienated from the benefice, and are in due course sold again."²²

As the author of this Paper reported, in 1875, the Surveyors appointed under the Ecclesiastical Dilapidations Act, 1871, have great difficulty, and lose much time in trying to ascertain what they ought to survey in a parish without a terrier, and, with all their care, perhaps miss something; for instance, the vicarage of Thriplow became vacant by death in 1874. The diocesan Surveyor obtained from the churchwardens (one of whom attended to point out the property during the survey) the best account they could give of the glebe. Two years after, when all executorship accounts had been closed, it was accidentally discovered that a homestall and 24 acres of glebe belonging to the benefice of Thriplow is situated in Cottenham Fen, some 15 miles distant.²³

HOW GLEBE MAY BE LOST.

In the volumes of the "Guardian," Church newspaper, dating from 1847 to the present time, there is no reference in the index to terriers, but *tedious services* and *testimonials* duly appear. So in the British Army there are

²² "Clerical Reminiscences," by (Senex) Rev. Josiah Bateman, p. 213.

²³ "Church Congress Reports, Stoke-upon-Trent, 1875," p. 164, Paper by R. R. Rowe.

numerous regimental orders as to braid and buttons, but very few as to great coats and waterproof boots.

Cases of loss of glebe were given at the Church Congress, in 1875.²⁴

In Carnarvonshire there is evidence of a glebe farm of 35 acres having been lost to the vicar.

The whole parish of Shingay²⁵ was the property of the patron of the benefice, an adjoining landowner. *Circa* A.D. 1700 he carted away the church, churchyard wall, and gravestones to provide farm buildings, and absorbed the whole of the glebe. The churchyard and glebe are let as part of a farm, the vicar's income has ceased, no vicar is appointed, and the people are deprived of their church privileges.

In the Wendy Parish Register, A.D. 1656 (before cited), there is a record of various plots of glebe, noted exactly as to occupiers and abutments; but, failing any later terrier, and the parish having become the property of one owner, many of the plots are lost to the benefice.

At Wendy a mill stream runs through the glebe, severing 3A. 3R. of spinney, which was approached from the glebe by a wooden bridge. The bridge decayed, and was forgotten. The owner of the adjoining land claims the spinney, upon the plea that it must be his because no other person has any right of way to it.

At Croydon, the adjoining parish, the present rector upon taking possession found no terrier, but a slip of paper in the handwriting of his predecessor, stating that the glebe consisted of 16 acres odd; he has been able to find only about one-third of that quantity.

At Horningsea the whole glebe farm of 363 acres,

²⁴ "Report of Church Congress, Stoke-upon-Trent, 1875," Paper by R. R. Rowe, pp. 164-172.

²⁵ Diocese of Ely.

homestall, and ancient vicarage house, are let by the patron, Saint John's College, for the annual rent of £590.

Up to 1870 the college paid a non-resident vicar £100 a year. The college has recently built and keeps in repair a convenient vicarage house upon part of the ancient glebe, and now pays the vicar £200 a year, retaining the difference (less repairs and taxes) between £590 and £200 for itself as patron.²⁶

The Rev. Josiah Bateman states: "I remember, as a rural dean, visiting a church, and reading on its walls, half hidden by the gallery and the organ, four grants of land to the incumbent. 'Of course you hold these lands?' 'I said. 'Nay,' he replied, 'I do not even know where they are.' 'Have you no terrier?' 'None.' And sad to say, thousands of clergy would be found to make the same reply. I have been in many counties where I have never heard the word 'Terrier' mentioned; and where I think the clergy did not know even the meaning of the word."²⁷

Cases can be cited where a country squire, being patron, presented a son or brother to a benefice. The squire's lands abut upon the glebe; the squire first occupied the glebe, and next removed the boundary fences thereof. After two or three generations, the patronage passed into other hands, and the present vicar is *minus* great part of his glebe and income.

Horningham, Norfolk.—By an old terrier, there were more than 7 acres of glebe, in small parcels, in the adjoining parish of Colton; they were taken by the patron, and the late rector never received any rent for them.

Buildings may be lost to a benefice from the fancy of the patron leading him to ornament the glebe buildings

²⁶ "Report of University Commission, Cambridge, 1874," pp. 365, 391.

²⁷ "Clerical Reminiscences," by Senex, *ante*.

with his coat of arms, to resemble the cottages upon his contiguous estate.

A clergyman, who has private property in his parish, lets it to a farmer, who also hires the glebe and all the lands being included in one written agreement, the rent of the whole is paid annually in one sum, for forty or fifty years. The clergyman dies, and his executors deal with the whole as the private property of the deceased. The old inhabitants of the parish and their local knowledge have passed away, the new clergyman arrives from a distant place, knows nothing of the parish, can find no terrier of the glebe, and so the glebe, without any fraudulent intention, is lost to the benefice for ever.

A clergyman, as owner of glebe, becomes entitled to some roadside waste land, upon which he builds cottages with ample gardens; at his decease his executors claim the cottages and gardens as his private property, no terrier existing to prove the contrary.

Sometimes a piece of glebe land forms part of a larger field belonging to another owner, and unfenced on the sides next the other man's field; the other man's plough gradually, furrow by furrow and year by year, encroaches upon the glebe. What evidence of the encroacher's wrong and the parson's right can exist but a terrier when boundary posts shall have decayed or meer-stones been removed, if ever they were set up?²⁸

A farmer occupying his own freehold in a northern county, where stone walls form the boundary fences, hired the abutting glebe. To form a stackyard, he walled in an acre of glebe, the only entrance to the stackyard being a gate in the freehold fence; after thirty years the parson died, the tint of time being upon the stone wall, the farmer

²⁸ Norden, *ante*, p. 22.

claims the stackyard as part of his freehold, and the new incumbent finds no terrier to prove the contrary. Upon two benefices in the northern province becoming vacant, the Ecclesiastical Surveyors sent printed questions to the churchwardens asking for information about the respective glebes; the questions were returned with the intimation that, in one parish, the churchwarden could give no information, and in the other parish that there were two fields, whereas there were more. In both these cases the churchwardens occupied the glebe, and, but for the vigilance of the Surveyors, the churchwardens would have become the quiet owners of the glebe without purchase.

Sometimes glebe land is entirely unfenced, as at Chittisham and Stuntney;²⁹ the Chittisham glebe is situated in March, Soham, and Fordham; the Stuntney glebe is at March, Wimblington, and Fordham: there are terriers of these parishes, and these terriers alone will preserve the scattered and unfenced glebe.

There is also a migration of glebe, thus: the late Rev. CHARLES SIMEON, vicar of Holy Trinity, Cambridge, a celibate priest, and resident in college, sold the vicarage house, situate in Sidney Street, Cambridge, as it was useless to him; with the purchase-money a pasture field on Hill's Road, Cambridge, was bought for glebe. In course of time this was sold to form the site of almshouses, and the purchase-money was expended in buying land at Cottenham for glebe; there was no terrier; these migrations were accidentally discovered by the author of this Paper, who took the trouble to ferret them out by conversation with old inhabitants, and a terrier in duplicate has since been made.

The ancient vicarage house of All Saints', Cambridge, was situated in All Saints' Passage; it was purchased and pulled down by Dr. WHEWELL. Its site now forms part of the

²⁹ Dio. Ely.

Master's Court, Trinity College. With the purchase-money were bought for glebe $3\frac{1}{2}$ acres of land abutting upon a nameless driftway in Swavesey, and $13\frac{1}{2}$ acres of land in Over. There is no terrier. Had the last voidance of the benefice occurred by death, instead of by resignation, it is probable that the land, being unknown to any parishioner, would have been lost to the benefice.

The construction of railways during the last 50 years has caused much migration of glebe; under compulsory powers granted by Parliament to railway companies, glebe lands have been bought, the purchase-money sometimes invested in consols, sometimes expended in buying distant land for glebe, of which the parishioners know nothing and such new glebe has already in some cases been lost.

The village green has in some cases been taken from glebe on which the kindness of an incumbent had allowed parishioners to play; as years rolled on, the lord of a manor claimed the village green, and, to annoy the vicar, built a dissenting chapel close to the vicarage gate.³⁰

There are, as in Derbyshire and Gloucestershire, common and intercommonry rights attached to vicarages, being rights to pasture a certain number of animals upon unenclosed commons on the hills, and to cut furze and turf there for fuel. If a vicar die without leaving a terrier, his successor is very liable to find himself deprived of the right. The following indicates such a loss:—

Pebworth terrier, A.D. 1704: “4^{thly}. Our minister hath
“ received neither offerings nor mortuaries since his coming
“ for seu’all yeares past, but only one beast pasture wth ten
“ sheeps commons.”³¹

Frequently glebe land is permanently depreciated in

³⁰ Trollope’s “Vicar of Bullhampton.”

³¹ “Gloucestershire Notes and Queries,” by Rev. B. H. Blacker, 1881, p. 445.

value by trespass footpaths being made across it during non-residence, or other want of vigilance on the part of the parson; and, by lapse of time, they become public footpaths that cannot be stopped up. Roadways to the land of other owners are often cribbed out of the glebe, especially if such other owners are tenants of glebe.

A claim was made by an outgoing rector to be free from dilapidations that had occurred to stabling and outbuildings, under the plea that they are not upon glebe, but upon the abutting premises hired by the rector from the patron. There is no terrier. After search the conveyance of the glebe, dated A.D. 1500, was found, and the buildings proved to be upon the glebe. But for the discovery of this ancient deed, the buildings would have been lost to the benefice for ever.

IMPROPER DEMANDS PROMOTED BY THE ABSENCE OF A TERRIER.

It sometimes happens, where there is no terrier, that a claim is made upon an incumbent for the repair of the churchyard walls; whereas *primâ facie* they belong to the parish, or in some cases are repairable by various tenants, who hold their lands subject to such charge.

In parishes where land-tax upon the glebe has been redeemed by a rector since deceased, without a terrier the land-tax may in course of time be re-imposed, through the carelessness or design of the tax collector.

As an act of benevolence, fields were allotted to a vicar for the maintenance of poor debtors in the county prison. There are not now sufficient debtors committed by the County Court Judge to absorb the rents of the fields, so the vicar applied the balance to other charitable purposes. In the absence of a terrier a claim for dilapidations was made upon the vicar's estate, upon the assumption that the fields are glebe.

HOW GLEBE MAY BE INCREASED AND RECOVERED.

By triennially bringing a terrier before parishioners in vestry they will become impressed with the smallness of the parson's stipend, and owners of property incited to add acres to the glebe by donation or bequest; other parishioners would subscribe annually until a sufficient sum is obtained to hand to the Ecclesiastical Commissioners, which they will duplicate, and so a useful sum for investment or purchase of glebe may be collected without much difficulty. Whereas now, the contrary obtains, the negligent way in which glebe is uncared for offers no inducement to those who may be able or otherwise willing to increase it.

In the middle ages questions of ecclesiastical law were continually being carried by way of appeal to the Court of Rome. The Roman Chancery thus acquired a perfect knowledge of all Church property in England, and accurate registers thereof were formed which have been carefully preserved to the present day. Reference to these archives at the Vatican (could it be made with less difficulty than is generally encountered there) would undoubtedly throw more light on the question, and might in many instances lead to the recovery of lost or alienated land. Two recent successful cases can be cited; the following occurred a century ago :—

Bradpole.—The vicar, on a dispute arising with the impropiator concerning the tithes claimed by the latter, could find no terrier. He appealed to a friend in Rome to make search in the Vatican Library, where a memorandum was found stating that the terrier was lodged in an old chest in Salisbury Cathedral. The terrier was discovered there, and it showed that the tithes belonged to the vicar.³²

HOW GLEBE MAY BE IMPROVED.

It has long been a reproach in England that "the woodman's axe is often heard, but the planter's spade seldom seen;" future incumbents will be benefitted, if the present ones plant, fence, and preserve timber trees suitable to the soil and locality, in the pastures and odd corners of the glebe (specially avoiding damage to arable thereby); the expense of thus handing down a valuable commodity and a good name to a successor, will be small.

In addition to loans for buildings on glebe under Gilbert's Acts, the Lands Improvement Company³³ are empowered to grant loans for erecting farm buildings upon, under-draining, and permanently improving glebe; benefices may be mortgaged to pay off interest and principal by an annual sinking fund extending over twenty-two years.

Occasionally, where glebe is intermixed with the property of an adjoining owner, willing to pay a fancy price, it will be well to effect a sale, with the consent of the bishop and patron, and invest the proceeds in Consols through the Ecclesiastical Commissioners; future loss and claims for dilapidations will thus be avoided.

HOW GLEBE MAY BE PRESERVED.

The Cambridge Association of Churchwardens Past and Present, at a meeting, in 1865, presented a report to the Bishop of Ely at his primary visitation, of which the following is an extract:—

"We think your lordship should peremptorily insist upon the production of terriers for every parish in the diocese, and that, as of old, vestry meetings should be called to verify such terriers, whereby parochial traditions

³² Hutchins' "History of Dorset," 1774, Vol. i., p. 280.

³³ Vict. 9 and 10, cap. 101.

“ would be handed down with regard to Church property as
 “ they are in the matter of parish boundaries.”

It is manifestly important that the care private individuals take in keeping correct terriers, so that their heirs and successors may not by accident or design be defrauded of their rightful inheritance, should be equally observed by the clergy, who hold their glebes not only for their own maintenance, but in trust for their successors for all time.

It is the duty as well as the wisdom of the clergy and churchwardens to insure due preparation and safe custody of terriers in duplicate, one copy being placed in the parish chest, the other in the Diocesan Registry ; where a peer, college, dean and chapter, or other corporation is patron, it is very desirable to make the terrier in triplicate, so that a copy can also be deposited in the muniment room of such patron.

Every terrier should have a map of the glebe attached thereto ; such map can generally be traced from the parish enclosure award or the tithe commutation award, and so obtained at a trifling cost ; easements, such as footpaths, watercourses, springs, and ancient lights, should be distinctly noted on the plan and in the terrier ; this will prevent encroachments of easements, particularly those of windows in suburban glebe having building ground for abuttals, otherwise when the glebe, in its turn, is used as building ground it will be found much depreciated in value, as at Nottingham. In some cases the large-scale ordnance map may be used, but its areas will not be correct for farming purposes, because they include hedges, ditches, and roads.

The terrier should include a statement of growing timber, and of all invested money in the public funds, or Queen Anne's Bounty Office ; also the rents paid by the tenants, an account of commonable or other rights, the fire insurance, with the name of the office, amount and number of the policy.

A new terrier for deposit in the diocesan registry should be presented at each episcopal triennial visitation; it may be upon paper, and so cost nothing; it only requires reasonable care and attention to ensure accuracy. If Convocation were to discuss the report of A.D. 1710 as the basis of immediate action, further loss might be prevented, and alienated glebe in some cases restored.

It has been suggested that each rural deanery should be a glebe protection society, to prepare terriers for each other, and especially for the information of each new incumbent as he may come into the rural deanery.

Where glebe is not enclosed, it is well to place iron landmark posts or granite meer-stones at all the corners.³⁴

NOTE, IN CONCLUSION.

Not one imaginary case has been set forth in the foregoing remarks; the name of every parish referred to can be given, but in many places it has been purposely omitted, to avoid needless pain to estimable living persons.

To sum up, in the quaint words of John Norden, "the persons to be considered in this business are your posterities, whom your true or false relations will either help or hurt;"³⁵ and as to intermixed lands, "there oftentimes groweth confusion unless each part be well butted and bounded," to avoid which, "enrol them fair in a book of parchment for continuance."³⁶

Mr. E. P. SQUAREY (Vice-President) was sure he expressed the sentiments of all present in thanking Mr. ROWE for his interesting Paper, which disclosed a large amount of careful research, and was likely to be of considerable service to many Members of the Institution.

Speaking as one of the churchwardens of the parish in which he resided, he confessed that his conscience had been

³¹ *Meer-stones*, Bailey's "Dictionary." ³⁵ p. 18. ³⁶ pp 18, 19; p. 25.

somewhat stricken by the author's remarks with reference to the negligent way in which those officials too frequently discharged their duties towards the property of the benefice.

It was no doubt of the highest importance that the parish should possess documentary evidence showing the extent and position of the glebe; and one would have thought that the clergy would have made it a matter of special care to look after the property entrusted to them, not only in their own interest, but in that of their successors.

MR. G. R. CRICKMAY (Fellow), having seconded the vote of thanks to Mr. ROWE, observed that every Diocesan Surveyor was familiar with the difficulties to which the author had referred. Very few indeed of the clergy, and, he suspected, fewer still of the churchwardens, knew much about the parish property, and a large number of clergymen who had held their livings for many years had never so much as been over their glebe, and were consequently entirely ignorant as to its boundaries. It was, of course, the duty of the Diocesan Surveyor to ascertain the extent of the property in order that he might assess the dilapidations on it; but as it sometimes happened that a portion of the glebe was situated in another and a distant parish, and the churchwardens knew nothing about it, it was not always easy for the Surveyor to carry out his duties entirely to his own satisfaction.

He remembered an instance when, after asking the churchwarden if there were any other glebe he knew of, and being assured there was no more, on walking round the church, he noticed an inscription recording the fact that about 35 or 40 acres of land had been presented by some good man in the parish in ancient times, situated in a parish about 20 miles distant, and which he would have lost sight of entirely but for that discovery. In another case, where great hardship ensued, a poor incumbent, with

a small living of about £100 a year, was anxious to ascertain everything belonging to the living, and discovering in some way that about 14 acres of land had become absorbed with the property of the patron, he at once set up a claim to it and eventually obtained it. A very short time afterwards he resigned, and it became the duty of the Diocesan Surveyor to take the dilapidations. The patron was rather a careless man, and his own fences were in a bad state, and consequently the fences on the glebe in equally bad condition. The result was that the unfortunate clergyman, who had been at pains to discover the 14 acres of glebe for the benefit of his successors, had to pay £40 for dilapidations to fences.

The author had recommended that matters of the kind should be brought before the vestry at stated intervals, which seemed a very excellent suggestion; for, although the clergy were chargeable in some degree of neglecting their duty, it appeared to him that it was the duty of the parishioners themselves to look after the glebe, seeing it was property belonging to the parish.

Mr. CHARLES J. SHOPPEE (Fellow) said that an instance occurred in his practice where, adjacent to a mill and extensive outbuildings let upon lease, an engine house and shaft and certain other new buildings were erected, on the supposition that they were placed upon land included in the demise, instead of which the land was portion of glebe.

The mill and outbuildings being in a dilapidated condition, and some portions having been allowed to fall, an action was brought to recover possession of the premises, under the repairing covenants of the lease.

Answer was made that new buildings had been erected of far greater value than the old which had fallen, but upon proceeding with the action, it was then found that these new buildings had been erected upon an outlying piece of glebe land separated from the other part of the glebe by a river,

and thereby a valuable addition had been unwittingly made to the glebe.

He, therefore, endorsed the opinion that it was most desirable both for clergy and parishioners that terriers should be provided, and the boundaries of the glebe defined.

Mr. G. H. HUSSEY (Fellow) said that he was churchwarden for Hughenden for fourteen years, and might mention, that unless the interests of the church property were looked after, it frequently suffered loss. When the commons of Hughenden were enclosed, he made claims for and obtained allotments in lieu of common rights, which would otherwise have been lost.

Speaking from personal experience he could confirm Mr. ROWE's remarks with reference to losses of glebe and pieces of the churchyard, through a proper terrier or record not being kept of the property belonging to the church.

Mr. G. D. YEOMAN (Fellow), referring to the author's suggestion that the terrier should include a statement of growing timber, observed that it would be as well if the places from which any timber was removed and, if sold, the purposes to which the proceeds were applied, should also be indicated in the terrier.

The author had referred to the many changes as regards glebe, brought about by the construction of railways. He himself knew an instance in which some glebe land formed part of the land taken for a railway, and in this case more land was taken than was either shown on the plan or paid for, for the purpose of additional sidings near the station. Having discovered this fact, he made the Company pay for such additional land and the arrears of interest on the purchase-money. He was of opinion that it was advisable in all cases to have a proper map made of the glebe from actual survey.

The author had mentioned village greens. He knew of one case where one of the lords of the manor claimed the village green, and enclosed it with rails. The other freeholders in the village cut down the rails and left the green open as before. The lord of the manor brought a county court action against the freeholders, counsel being employed on both sides ; and although the whole weight of evidence went to show that the green had been used as a playground, that carts and vehicles of all sorts had constantly been driven across it, and that foot-passengers had always used it as long as the oldest inhabitants of the village could recollect, yet the county court judge decided in favour of the lord of the manor, and allowed costs, refusing to grant a case. If there had been a proper terrier this could not have happened.

Mr. T. M. RICKMAN (Fellow) said it seemed to him that the Paper was only part of the much larger question of the general registration of property throughout the country.

Mr. J. E. BANKES (Associate) said that much of the loss, uncertainty, and confusion described in the Paper was due to the fact that the churchwardens were elected from year to year, and parsons came and went, and it was no one's business in particular to see that the parish property was properly looked after and kept together. A certain amount of money was received year by year, and it did not seem to strike a certain class of mind that the property from which it was derived required any looking after. Proper terriers had always been of great importance, but they were more than ever so, in consequence of recent changes in the law. It should not be forgotten that the number of years under the Statute of Limitations had been recently reduced to twelve, consequently it was easier now than formerly for a wrong-doer to acquire a title. But there was another reason of even greater importance. In old times a

large proportion of the inhabitants lived and died, as their forefathers had done for generations, in the parishes where they were born, and this resulted in the creation and preservation of a parish tradition. Traditions of the kind had almost died out in modern times, in consequence of the improved methods of locomotion giving rise to constant migrations of population, which made documentary evidence of the situation and extent of the glebe more than ever necessary.

As regarded the question of registration, the objections urged against the system, as applied to property in general, had no weight with reference to glebe land. It would not affect the title to enforce the registry of such lands, and much of the injustice and wrong caused by the absence of terriers might be met by means of registration, a certain number of competent persons being appointed by Government to carry it out.

Mr. C. LYNAM (Visitor), speaking as a Diocesan Surveyor, felt sure that there was not a single member of that body who would not confirm what had been so ably put forward by Mr. ROWE, who had shown the many members of the Institution who had to deal with glebes the very great importance of making and keeping up proper terriers.

He had recently had a case of dilapidations, which might prove instructive to the Meeting. The vicarage was a small one, and had a very small quantity of land attached to it. It was bounded on one side by a road, and on the other three sides by land belonging to the patron. The vicar, wanting to enlarge his house, borrowed money to the extent of £1,200 from Queen Anne's Bounty, and put part of the new building on land belonging to the patron. He (Mr. LYNAM) going there to "dilapidate," after a great deal of trouble, found out the facts of the case, and his duty would

have been to require the restoration of the house to its original position, thus sweeping away the improvements and additions; but the patron, being a generous man, added the surrounding land, as a gift, to the glebe, so that it now stood in its own land, and the difficulty was got over. Cases quite as remarkable as the foregoing constantly occurred.

Mr. R. NICHOLSON (Visitor) mentioned a case in which he found an acre of glebe in the centre of two acres of other land without any right of way to it or any means of reaching it except by balloon.

He remembered another instance, in the wilds of Yorkshire, where, on going round a glebe, he observed one of the tenants whispering to the incumbent, who smiled, and when he (Mr. NICHOLSON) asked what the man said, the incumbent informed him that he wanted to know whether he should tell the truth about the glebe, or lie through thick and thin as to the facts which he (Mr. NICHOLSON) wanted to get at. In that case a terrier would have rendered him independent of very untrustworthy informants.

Mr. ROWE begged to thank THE PRESIDENT and the Meeting for the kind way in which his Paper had been received. He was not at all surprised to find that it had evoked so little discussion, as the subject scarcely admitted of it, all present being of one mind thereon.

If the Meeting would allow him, he would quote a passage from a Paper read by him in 1875, which, for the sake of brevity, he had omitted from his present Paper. The passage related to the loss of glebe for want of terriers.

“In my own parish, while churchwarden, I investigated parish records with a view of increasing, if possible, the vicar’s stipend. I found land had been converted into money, the money lent on bonds, the parties dead, and principal and interest lost. In another case, a railway was

“ made severing a glebe, the purchase money was paid to the
 “ vicar, and applied by him to his own purposes ; he died,
 “ his executorship accounts are closed, and the land alienated
 “ for ever. In a third case, a rector was non-resident ; a
 “ parish map was in charge of a parishioner, whose freehold
 “ abutted on glebe land. Upon a field on the map has
 “ been written ‘ exchanged with rector,’ neither can any
 “ record of the exchange, nor the land for which it is alleged
 “ to be exchanged, be found, and so the present rector and
 “ his successors are ousted nobody knows how.” That of
 course was a direct piece of fraud.

In conclusion, he desired to acknowledge his obligations to the Rev. EDMUND GOUGH DE SALIS WOOD for revising and amplifying his references to the Canon Law.

THE PRESIDENT, in closing the discussion, which he remarked had gone all in one direction, said that all were agreed, apparently, that a terrier would be a document of considerable use in every parish, but no one—not even the author of the Paper—had adduced a single case to prove what value a terrier would be for recovering any of the lands alleged to have been lost.

It was true that a terrier could easily be made from an enclosure award, but if there were an enclosure award, there was a terrier, or what was as good as a terrier ; indeed, an enclosure award was as useful a form as the terrier could be in, for there was no better title than the title conferred by such an award. It should be remembered, however, that there were large quantities of glebe land which were not shown in any award. Then it was said that the tithe commutation map would show the glebe, but it was not all tithe maps that included the whole of the parish. They included the titheable land only, and therefore did not include the glebe land.

The author had referred in his Paper to a case in which

a farm homestead and twenty-four acres of land had been lost. He supposed it would be agreed that it was impossible for twenty-four acres of land and a homestead to be lost as between a resigning incumbent and his immediate successor, whatever might be the view of Mr. ROWE as to the moral qualities of churchwardens. Such a loss could only occur gradually and in the course of time, by means the explanation of which was not forthcoming; probably by somebody selling the land and appropriating the money. But how the possession of a terrier showing the twenty-four acres of land was to put the clergyman into possession of the land he was at a loss to understand.

It was stated by Mr. ROWE that in one case a church and churchyard wall had been carted away, but surely nothing of the kind could have been done without notice to all concerned; and it could only have taken place because nobody was concerned—because there was no vicar, no congregation, or because the church was dismantled or in ruins. The existence of a terrier could not prevent that from happening.

He did not see how the existence of a terrier would have prevented the clergyman referred to by Mr. LYNAM from building his house partly on the land of the patron and partly on the glebe, nor how it would have helped the clergyman in the case referred to by Mr. NICHOLSON. No doubt the acre of land had been occupied at some previous time, and with the land a road or some easement over the other land. In conclusion he agreed that a terrier was a very useful thing and a very desirable thing to have, but he did not agree that the existence of a terrier, although it would help a Diocesan Surveyor to find out the glebe, would obviate the losses referred to, or restore to the Church what had already been lost.

The vote of thanks having been put and carried unanimously, the Meeting then adjourned.

NOTES ON SANITARY SURVEYING.

By HOWARD MARTIN (FELLOW).

*Read at the Ordinary General Meeting of THE SURVEYORS' INSTITUTION,
April 24th, 1882.*

THE PRESIDENT, MR. E. RYDE, IN THE CHAIR.

ALMOST all men probably feel a more or less personal interest in the science of health, especially in its application to the arrangements of the houses they occupy; but the interest of most Surveyors in a subject so closely connected with their dealings with houses occupied by others becomes a matter of professional duty. This fact has been fully recognized by the Council of this Institution in framing a system of professional education; and it is therefore but fitting that papers on sanitary subjects should continue from time to time to receive a share of attention at our sessional meetings.

By the term "Sanitary Surveying" I mean the surveying of dwelling-houses for the purpose of ascertaining whether they are free from such defects as would endanger the health of their inmates. The expression is, perhaps, somewhat awkward and indefinite, but I know of no other which conveys the same meaning without appearing to include the whole wide field of the application of the principles of sanitary science by the architect and the engineer.

It is not, I suppose, too much to say that sanitary surveys (and indeed sanitary science itself) were nearly unknown during the first half of the present century. Not much more than about forty years since it was nearly

universally believed that the large class of deadly diseases called "zymotic"—such as cholera, typhoid fever, and diphtheria—were due to mysterious uncontrollable causes, helplessly spoken of sometimes as "atmospheric conditions," and sometimes as "the inscrutable dispensations of Providence;" and the discovery that those terrible scourges of our race are propagated, and possibly generated, mainly by the pollution of the air we breathe or the water we drink with sewage and the gases it evolves, and that they are therefore the direct results of man's ignorance, carelessness, or crime, as preventible by reasonable care as fire or theft, gave the first impetus (I believe in about the year 1842) to the general study of the principles of sanitary science and their application to the construction and fittings of dwelling-houses. As a knowledge of the terrible risks to life and health to which defects in the sanitary arrangements of dwelling-houses expose their inmates grew more general, it became not unusual for householders to obtain a professional report as to the sanitary condition of the houses they occupied, or intended to occupy; and the making of such reports and the necessary surveys probably now forms a part of the regular practice of the majority of Surveyors in or near London and most large towns. I cannot, of course, hope to write anything which those gentlemen will find new or useful; but as the system of sewer drainage, and experience of its attendant dangers, spread into country towns and rural districts, the demand for sanitary surveys spreads with them, and it sometimes happens that Surveyors in such localities are called upon to report on the sanitary arrangements of dwelling-houses without having previously had occasion to give special attention to the subject.

It seemed to me possible, therefore, that an outline of the principles and practice of surveying dwelling-houses to ascertain their sanitary condition, might be of practical

service to some among whom the reports of the proceedings of this Institution are circulated, especially, as I have already said, as sanitary science now forms a part of the course of professional training defined by this Institution, in respect of which its Members will receive diplomas.

The Local Board of Health of Croydon, the town of which I have had most experience, has for many years been careful to take full advantage of every accessible addition to sanitary knowledge, both in its provisions for public works and its rules for the guidance of builders within the area under its control, a course in which that Board has been largely guided and assisted by one of its late members, Dr. ALFRED CARPENTER, and by Mr. BALDWIN LATHAM, C.E., now widely known as authorities on sanitary science. Doubtless as much may be said of many other similarly-situated towns, but this is by no means invariably the case.

The governing bodies of some places of importance have hitherto shown no eagerness to exercise their power to protect the lives and health of their constituents, by making and enforcing sound sanitary regulations. It would be hardly too much to say that they have often shown a decided hostility to every attempt at sanitary improvement; and such a disposition on the part of the very persons who should lead the way in the work much increases the responsibility devolving on Surveyors who practise in districts so governed to secure as far as possible the sanitary safety of their own clients and of the occupiers of houses under their control.

A good deal of discomfort and illness in dwelling-houses often arises from insanitary conditions the causes of which it ought not to require a Surveyor to point out; such, for instance, as leaving animal or vegetable refuse to putrefy in dustbins, often open to the rain and close to windows, instead of burning or burying it, the omitting to pour water

into the traps of rain-water gullies near windows in long-continued dry weather, or into little-used gullies in cellars, the entire or partial stoppage of drains by the careless throwing down them of substances that cannot be carried away by an ordinary flush of water—such as the hair collected from combs, rags, kitchen stuff, or even articles of wearing apparel, or spoons, and other small domestic implements—or the failure to have the cisterns in which water is stored for domestic use, or the apparatus of old-fashioned w.c.'s, periodically cleaned out ; and it is well, if a Surveyor be called in to discover the cause of a bad smell or some other indication of an insanitary state of affairs in an inhabited dwelling-house, for him to satisfy himself by personal examination whether or not the mischief arises from causes of this nature—an enquiry in which he will probably be somewhat discouraged by the inhabitants of the house under examination, as it will generally be found that, in such circumstances, people are willing enough to blame the shortcomings of landlords, builders, or local boards, but very loth to admit that there can be any fault in their own household arrangements.

The nature of the site, almost every detail of the construction of a house, and indeed almost every circumstance connected with it, affect in some measure its healthiness or unhealthiness as a habitation ; but it is proposed to limit this Paper to dealing exclusively with such defects or errors in the construction or fittings of dwelling-houses as a Surveyor can reasonably expect to discover and show to be sanitarily dangerous ; for the writer to attempt to pass that limit would be a presumptuous trespass on the province of the physician or of the architect.

A very large proportion of such defects will be found to be in connection either with the drainage of a house or its water supply, but there are certain points in the arrange-

ment and construction of the building itself which require careful attention in the making of a sanitary survey.

All w.c.'s should be formed against an external wall, if possible in outbuildings connected with the main building by lobbies, and the soil pipes should in all cases be fixed *outside* the building; the closets should have full ventilation direct from the outer air, and there should be sufficiently free ventilation of the space between the rest of the house and the door of the w.c. to cut off, as it were, any smell arising in the w.c. from access to other parts of the house.

Where all the walls of w.c.'s are not external walls, it is necessary to ascertain whether any communication exists between the closet and the adjoining rooms.

It is not at all uncommon for builders to enclose w.c.'s on one or two sides with lath and plaster partitions, the plastering being only carried down to the level of the top of the skirting, and no skirting even being fixed on that part of the walls of the w.c.'s under the seats; thus leaving a free passage into adjoining rooms for all foul air that may accumulate in the closets, but particularly under the seats. This is always most objectionable, but particularly where closets are fitted with the old-fashioned metal containers and "D" traps. These metal containers, as every one is aware, after being a short time in use, become coated with filth, which is hidden by the pan but not cut off by it from contact with the air of the closet, and this coating gradually putrefies and gives off most offensive and dangerous gases in the process. The body of the old-fashioned "D" traps being a good deal wider than the exit opening, solid matter passing into them often fails to find its way out with the first flush of water, and remains in the traps till the letting down of a second charge of water (perhaps many hours afterwards) drives it out into the soil pipes: the water in these traps is consequently often very foul, and the smell

arising from it passes easily into the closet. While, therefore, in all cases it is most desirable that there should be no direct communication between w.c.'s and adjoining rooms, this point is of specially grave importance in the case of closets with the fittings referred to.

The fouling of the containers of many w.c.'s, and also of the water in the "D" traps attached to them, is often very much aggravated by the small size of the pipe through which the water is laid on to the pan, which should never be less than $1\frac{1}{4}$ in. in diameter, whatever the fittings of the closet may be.

Wherever the owner can be persuaded to incur the comparatively small expense involved in the change, the old-fashioned apparatus should be replaced with one or other of the excellent modern closet fittings, made without any container, with an earthenware trap and pan in one piece. Probably, the most effective argument that can be used in advocating the change is, to point out that while the metal container is retained, safety can only be secured at the cost of burning it out twice a year, while the modern fittings, if properly treated, would require no cleansing and cause no expense of any kind.

The existence of thoroughly efficient damp courses in all the walls of a dwelling-house resting on the ground, whether internal or external, is of very great importance. It is not common, I believe, to find damp courses to be omitted altogether from the main walls of modern dwelling-houses, but they are sometimes wanting in internal walls, or so defective as to be of very little service; fortunately, it is generally possible to discover their absence or defective construction without difficulty. It is often indicated by marks of damp on the walls a little above the skirtings on the ground floors, and it is generally not difficult, nor very expensive, to put damp courses into walls which have been

built without them after the building is completed. Wherever the external walls of a house are built hollow (as is now frequently the case), the damp courses should be formed completely across the hollow space, so as to prevent damp rising within it, and condensing in the walls above the damp course. Wherever the external walls of any part of a house are below the ground level, well-ventilated dry areas should be formed outside them to protect them from contact with the earth, from which they might otherwise become saturated with water, and so possibly affect the atmosphere of the whole house. Sanitary authorities generally lay down a rule that the whole of the ground below the floors of a dwelling-house should be covered with an impervious layer of concrete, and there can be no doubt that such a covering is a great protection against the charging of the air of the dwelling-house above it with moisture, or its pollution by any other emanations from the soil below. It is, however, probable that nearly as good a result may be secured, except on very wet soils, by providing sufficient space between the floors and the surface of the ground, and securing its thorough ventilation by means of air gratings in the walls below the level of the floor, unless, indeed, a branch of the house drain or of a sewer is laid below the house, in which case the spreading of a layer of concrete over the whole area below the floors is an absolutely necessary precaution. In any case, it adds greatly to the comfort and probably the health of the inmates of a house to have its floor boards ploughed and tongued with iron.

It seems to me very desirable that Surveyors should avoid pressing upon their clients "counsels of perfection," lest they should become terrified at the very sound of the word "sanitary," and decline to make any alterations whatever. A far better result will generally be obtained by

advising whatever on the whole will secure the desired end, at the least possible cost.

In considering the drains of a dwelling-house, it is as important to make sure that they do not serve to lay on the gas from the sewers into the house, as that they do serve to carry their proper contents from the house into the sewers.

When the era of w.c.'s and sewers first commenced, it was supposed that the proper method of removing sewage from dwelling-houses was to allow it to pass into air-tight drains, hermetically sealed with traps at every opening except their outfall, and that these traps would be sufficient to entirely prevent the gases generated in the sewers from finding their way into the houses connected with them.

Practical experience, however, soon showed that changes of temperature, the sudden passage of large quantities of water (especially of hot water) along the drains or sewers, and other causes, frequently occasioned alterations in the state of the internal atmosphere of sewers and house drains constructed on this principle, so sudden and violent as to create outward pressure quite irresistible by the column of water in any trap so constructed as to admit of the ready passage of solids through it. In certain outbreaks of typhoid fever, it was found that the persons attacked were almost invariably those living in houses (very often among the largest and best fitted in their districts) connected with the highest ends of sewers, at which points of course the gaseous pressure in the sewers would tend to accumulate. In some cases, the gas from an insufficiently-ventilated sewer, has been heard forcing its way for several hours into a house through the trap of a w.c., with a noise described by Dr. ALFRED CARPENTER, as "like that of escaping steam." It became evident, in a word, that the gas evolved in drains and sewers could not be bottled up, but that the policy of

safety is to allow it to escape freely into the open air ; and so not only to render any backward pressure on the traps impossible, but to deprive the sewer gases themselves of their power to harm by allowing them to become oxidized and purified in the atmosphere before they had time to putrefy. In fact, if it were not rendered impossible by other considerations, the safest kind of sewer would doubtless be the old-fashioned open ditch, provided that its sides and bottom were water-tight, so as to prevent soakage into the subsoil, and its fall sufficiently rapid to convey its contents to its outfall before decomposition commenced.

Such an arrangement, however, is now of course impossible, at any rate in towns, and the nearest practicable approach to it has been the construction of ventilators at frequent intervals on the public sewers, and one at least on every house drain. With the ventilation of public sewers we have at present no concern. The ordinary method of ventilating house drains is to connect a pipe with the drain where it enters the house at its highest point, and carry it up beside the house wall to a height of 2 feet or thereabouts above the eaves, leaving the upper end open to allow of the free escape of the sewer gas which may pass up it.

In order to secure efficient ventilation, this pipe should be at least 3 inches in diameter, and carried upwards without any cranks or elbows ; the cranking of a ventilating pipe round eaves and gutters being found to be quite sufficient to materially check the current through it.

It is very important that such sewer ventilating pipes should have air-tight joints, should be fixed as far as possible from any windows, and should be carried high above any opening by which their contents could enter an adjoining dwelling. There is, of course, nothing gained by a ventilating pipe, although it be so fixed as to prevent sewer gas from forcing its way into the lower part of a

dwelling, if it only conducts the gas to a point whence it can steal in through the attic windows, or openings in the roof. It is never safe to rely for ventilation of a drain on untrapped rain-water pipes connected with it. Apart from the danger of such pipes leading the sewer gas into positions whence it could find its way into the house through bedroom windows or other openings, a sudden storm by filling the pipes with rain-water may entirely prevent their acting as ventilators just at the very time that the disturbed condition of the atmosphere of the sewers and house drain renders efficient ventilation most necessary. Frequently, indeed, the sudden passage of a quantity of water down a pipe which acts as a drain ventilator will suck dry the traps of w.c.'s connected with the same drain.

In many cases more than one ventilating pipe is necessary to ventilate a house drain and its branches. It sometimes happens that the branches are so situated that when the main is running quite full the branch is entirely cut off from all communication with the ventilator, a state of things which may very likely lead to a strong charge of sewer gas being forced through the trap at the end of the branch. Indeed, when two short branches both trapped at their upper ends, but unventilated, unite a little distance before their junction with the ventilated drain, the passage along one of them of water enough to fill it full, will often suck the trap at the end of the other dry, and so remove all obstacles to the passage of gas through it into the dwelling, until the trap happens to be filled once more.

Without, therefore, a definite idea of the position and work done by the house drain and each of its branches, it is impossible to determine whether or not it is sufficiently ventilated.

But it is always possible that ventilation at one end only of the house drain and its branches may fail. It is neces-

sary, therefore, so to arrange that the house drain may be cut off from the effect of sudden changes of pressure in the sewers with which they are connected, and that they may be charged with pure air, which would be harmless if it did enter the house, instead of with sewer gases. This end has been obtained by a simple contrivance, which was first introduced to Croydon (if not invented in the first instance) by Dr. BUCHANAN, viz., the laying of a syphon trap and ventilating shaft in the house drain, as near as possible to its junction with the public sewer, the ventilating shaft being between the trap and the house. The ventilating shaft at one end and the ventilating pipe at the other keep up between them a current of pure air through the house drain, and the syphon trap under ordinary circumstances keeps the gases of the public sewer entirely out of it. If, however, a sudden increase of pressure in the sewer should be sufficient to force the trap, the sewer gases will escape harmlessly into the open air through the first ventilating shaft at the greatest possible distance from the house. This arrangement secures the very desirable end of isolating each house from any infectious matter which may be passing along the sewers, and also renders it possible to open the house drain for repairs or alterations, without the escape of any offensive smell whatever; it serves moreover the very useful purpose of a barrier against rats, which infest most public sewers and are very apt to travel from them up open house drains. In order to prevent stoppages in the syphon trap, the last few pipes of the house drain next the trap should be laid with as sharp a fall as convenient, and the trap itself should be laid with a fall of about $\frac{1}{2}$ -inch in its own length. It is as necessary to ventilate drains emptying into covered cesspools as those which are connected with sewers; those drains which empty into open cesspools probably do not absolutely

require the syphon trap and ventilating shaft near their out-fall, but it is a very desirable addition to them if only as a protection against rats.

However perfect the means of ventilating a house drain may apparently be, no communication between it and the inside of the house should be allowed where it can be avoided, and in cases where the ventilation of the house drain is doubtful or defective all such communications must be closed up at any cost.

All waste and exit pipes of all kinds, from sinks, baths, cisterns, washing-basins, or urinals, must be cut off from direct connection with the house drains, and should be carried through an external wall of the house to discharge in the open air over trapped gullies, at a sufficient distance from them to prevent any gases which may force their way through the gully traps being drawn up the waste pipes whenever a considerable difference of temperature between the inside and outside of the house creates a strong draught up them.

A similar arrangement has been invented by Mr. NORMAN SHAW for w.c.'s, by which the soil passes direct from the pan through the external wall of the house into an open trough which carries it to the cistern head of a vertical stack-pipe fixed to the outside of the wall discharging over a trapped gully below, thus efficiently cutting off the w.c. from any connection with the house drain, and simplifying the closet apparatus.

There can be no doubt, I think, of the absolute safety of this arrangement, but it does not appear to me to be *necessary* in cases where it is possible to effectually ventilate the house drain.

A very frequent means of introducing sewer gas into houses is the fixing of soil pipes from w.c.'s on the upper floors inside the house instead of outside the external wall. If the soil pipe be of iron it is almost certain to be pierced

with numerous holes, exceedingly small, but still sufficient to allow of the free escape of gas into the dwelling, and if it be of lead there is great risk of some of the joints not being properly closed all round the pipe, especially if the pipe stand at the junction of two walls, a very common position. So many cases of serious illness have arisen from soil pipes fixed inside dwelling-houses that it is worth while to insist, at any sacrifice of appearance, on their removal to the outside of the external wall, more especially in cases where the house drain is not cut off from the sewer by a syphon trap and ventilator.

There are, however, cases in which it is almost impossible to avoid direct connection between the house drain and some opening within the house. It is, of course, unnecessary to say, that such openings should all be provided with efficient traps, but it is by no means unnecessary for a Sanitary Surveyor to see for himself that this has really been done. It is far more common than would be supposed to find traps in such cases entirely omitted, even on waste pipes communicating direct with the house drain, but more often on pipes which carry away the rain water from the roofs and which (as has been before pointed out) will, if untrapped, frequently serve as very effective conductors of sewer gas into the upper rooms.

The old-fashioned bell-trap, once in general use for sinks and gullies, can never be depended on, it traps with so small a column of water in the first place, that a very slight backward pressure is sufficient to force it, and it offers so much obstruction to the passage of anything through it, that it is perpetually clogged up, and servants cannot be prevented from taking it out whenever they require to use the pipe on which it is fixed; and even when traps of a proper pattern are provided, it is sometimes found that they are laid so far out of the level, or

in other ways so defective, as to prevent their acting as traps at all. It is generally possible to ascertain whether any opening into a drain is trapped, by listening at the opening while water is poured down the house drain from a point above it. If the passage of the water along the house drain be heard from the opening in question, it is certain that it is not trapped, and if the trickling of the water be not heard, it is very nearly certain that a trap is there. The depth of the column of water sealing S or P traps may generally be ascertained by means of a stick with a long nail driven into the end at right angles to it. If the stick be thrust vertically down the trap until the nail can be hooked under the bend, and then withdrawn, the height of the wet mark on the stick above the nail will show the height of the column of water sealing the trap.

The whole of a house drain and its branches may be tested to ascertain whether there be any untrapped communication with the house, by charging the drain with any gas or liquid of a strong distinctive smell which would be readily perceptible if it found its way into the house. A liquid may be poured down the drain from its highest point; a gas may be pumped into it through the ventilating shaft of the "Buchanan" syphon just described.

There are, however, many cases in which absolute certainty is only possible by opening the ground and actually examining the trap itself.

In considering the efficiency of drain traps it should be borne in mind, as has been pointed out before, that as traps may be so placed as to effectually seal an opening at one time, and yet under other circumstances be sucked dry and leave the opening unprotected, it is impossible to form a sound opinion as to their efficiency without knowing the relative position of the house drain and its branches with all their various traps and ventilators.

Rats are a frequent cause of untrapped communications between drains and houses, and wherever rat runs are found inside a house all rat holes near the drain, or leading towards it (especially if under the seats of w.c.'s), should be carefully examined. The passage of water poured into the house drain from some opening above the rat runs will be plainly heard by anyone listening at the holes if they communicate with the drain, and in most cases will enable the nose to assist the ear in the matter, by causing a sudden puff of evil-smelling gas to escape from the holes. No drain in direct communication with the main house drain should be laid under any part of a house if it be possible either to avoid providing a branch drain in such a position, or to break its connection with the house drain by causing it to discharge over an efficiently-trapped gully in the open air. There are cases, however, where it is impossible either to provide for the drainage of a house without laying a branch below some part of it, or to break the connection of the branch with the main drain.

In such circumstances the length of drain under the house should be laid in concrete, and a layer of concrete 6 inches thick spread over the whole surface of the ground above it below the floors of the dwelling. It is by no means sufficient that this layer of concrete should extend over the site of the drain only; gases of all kinds will travel through the earth and find their way into the open air at a long distance from their source.

It is not of course sufficient for the traps and ventilators at the extremities of a house drain and its branches to be efficient, every part of the drain and branches must be properly laid and in good working order to secure the safe removal of the sewage of a house.

Any leakage of sewage from a drain into the surrounding soil is a source of danger, as the gases evolved by the

stagnant sewage accumulating round the leak may find their way to the inside of a dwelling from a point a considerable distance outside the external walls, and any defect in the construction or design of a drain which hinders the regular and rapid passage of sewage through it is equally dangerous, by giving time for the decomposition of the sewage in the drain and the consequent production in it of highly poisonous gases, which the most efficient system of ventilation may not succeed in carrying harmlessly away.

The fall of a drain may be tested by opening it at the lowest convenient point, and pouring a good flush of water into it from the upper end. If the fall be sufficiently uneven to affect the working of the drain, the water will bring down with it foul black matter from those points where the insufficient fall has permitted the soil to accumulate. The rate of fall can at the same time be tested by floating a small piece of wood or cork through the drain; roughly speaking, the rate of its passage through a drain, with a sufficient flush of water to carry it freely, will be not less than 2 ft. per second if the fall of the drain be sufficient for its efficient working.

Frequently-recurring stoppages in drains are often caused by their being too small in diameter. It is generally agreed that no drain connected with w.c.'s or sinks should be less than 6 inches in diameter; it is well, however, that the traps of w.c.'s should be only 4 inches in diameter, opening into 6-inch soil pipes, as by this arrangement it is found that the w.c. traps empty more quickly and scour more thoroughly with a moderate flush of water than if of the same diameter as the soil pipe with which they are connected.

Probably a house drain 4 inches in diameter would do all the work that could reasonably be required of it by an ordinary household, but it is impossible to foresee to what extraordinary tests the carelessness of domestic servants may

put the capacity of drains, and it is highly desirable that they should be large enough to carry masses of hair, or grease from sinks, or anything else not too large to be forced through the pan of a w.c., as far as the nearest sewer manhole, whence it can be easily removed.

Drain pipes which are jointed with clay alone are often found to be obstructed by the roots of trees or shrubs having forced their way through the joints, and rats frequently rake out the clay stopping from the pipes either for the sake of getting at the water they contain, or obtaining an easy thoroughfare into the house with which they are connected, and thus cause considerable leakages of sewage into the ground below the drain. A simple way of preventing both these evils is to joint the pipes with tarred gasket and cement, with which an absolutely water-tight impervious joint can be made; care should be taken, however, especially if the gasket caulking be omitted, to wipe the inside of each joint after it is completed, lest any cement running through it should form projections which might become in time the nucleus of an obstruction to the drain.

The old-fashioned plan of building a small brick catch-pit at the foot of a vertical soil pipe to form its junction with the drain instead of connecting the soil pipe and drain with a proper bend, has been found to be a very fruitful source both of stoppages and leaks, as also the trick adopted by some labourers, in order to save "bends," of forming a curve in a drain with straight pipes, the gap at the outer side of the angle between the socket of each pipe and the end of the next being stopped with pieces of slate or cement. It is, I think, always desirable to have proper vertical or horizontal bends substituted for such contrivances whenever they are found, whether they are actually causing mischief at the time or not.

The soakage of sewage out of drains through unstopped

joints or fractures or defects in drain pipes, or even sometimes by the omission of a length or two of pipe altogether, is often found to be the cause of a dangerous nuisance, which is the more difficult to trace because the smell it occasions, as has been pointed out before, is often perceptible only at a considerable distance from the actual site of the mischief. The position and exact nature of such defects can generally only be ascertained by opening down to them; but if the drain be opened below the defect, the presence of sewage and water in the trench following the course of the drain outside the pipes will often indicate the existence of a leak at some point above.

The defects which have been mentioned thus far do harm principally by contaminating the air of dwelling-houses; those, however, which do mischief by polluting the water are at least equally important. All soakages of sewage out of drains or cesspools near wells, or in the line of the subterranean flow of water towards them, may cause pollution of the water supply at its source; and in surveying dwelling-houses supplied with water from surface wells, the relative positions of wells and cesspools as well as the state of the whole system of drainage, should be a matter of very careful consideration with regard to their effect on the water supply, and in all probability a Surveyor would find it necessary, in such circumstances, to call in the assistance of the analytical chemist. The pollution of water in the cisterns in which it is stored, or the pipes in which it is supplied, for domestic use, is, however, an evil which it is entirely within the province of a Surveyor to discover. It need hardly be said that one of the most important points connected with a cistern, is that it should be periodically cleaned out, and it certainly should not require a Surveyor to call attention to it; there is, however, probably no commoner source of water pollution in dwelling-houses than the

complete neglect of that obvious precaution. It is doubtless universally known that water is very absorbent of gases, and no cistern in which water is stored for domestic use should therefore be connected with the pan of a w.c., which should be supplied with water from a small independent cistern usable for no other purpose. Where such connection exists, the pipe between the service box of the cistern and pan of w.c. is frequently, of course, charged with foul air, which, when the valve is opened, forces its way up the air pipe into the cistern, to be rapidly absorbed by the water contained in it.

No overflow pipe from such a cistern should be connected with a drain or soil pipe, whether above a trap or not, but should be carried through an external wall, to discharge over a properly-trapped gully in the open air. If such a pipe be connected with the trap, it acts practically as a ventilator to it, and when the water in the trap is foul (which is by no means an uncommon occurrence) or the trap is unsealed by any accident, the foul gases escaping from it up the waste pipe are carried by it into the cistern, to be dissolved in the water it contains, and probably distributed for the consumption of the inmates of the house.

If it is important that all water for domestic use should be exposed to contact with no gases but pure air, it is obvious that it is most undesirable that cisterns containing it should (as is often the case) occupy the upper part of and be entirely open to the inside of a w.c., or that they should be placed under the floors of bedrooms. The impure air, which is generated in bedrooms in considerable quantities at night, must readily find its way through the by no means air-tight wooden covers commonly used into the water in cisterns below the floors. Cisterns in such positions become, moreover, in the course of a short time, receptacles for great quantities of dust, which, although it may

consist of quite harmless substances, may, on the other hand, be a very prejudicial addition to the water supply of a dwelling-house.

In houses supplied with water from public mains, in places where the supply of water in the mains is constant, it was formerly the common course to lay on the water to the pans of w.c.'s by branches communicating direct with the services, and either fitted with lift-valves in the service where the branch supplying the w.c. joined it, or with screw taps fixed to the branch on the seat of the w.c. Wherever such fittings still exist, all direct connection between the service and the w.c. should be cut off by the introduction of a small independent cistern, arranged to supply the w.c. alone, and not in any case available for domestic purposes. So long as water mains and services are fully charged with water under pressure their direct connection with w.c.'s is possibly unobjectionable, but it must occasionally happen that, either to do repairs or make inspections or for other purposes, the water supply is temporarily stopped, and the mains are gradually emptied. As the water retires from the higher parts of the services and mains air rushes in wherever it can find an entrance to fill up its place, and wherever there is an open or leaky tap or valve the air with whatever else may be around it is sucked rapidly into the pipe through the opening to be mixed with and distributed by the water when the supply returns.

Both screw-down taps and lift-valves of closets connected directly with a constant water supply are frequently out of order, especially if under high pressure, and screw-down taps will be found to be frequently left partly open.

There is, therefore, more than a fair probability that whenever the cessation of the water supply empties the mains and services the mouths of branches in the pans of w.c.'s so fitted will be among the sources from which the

services will draw up air or water to fill the vacuum left within them; and it is, to say the least, possible that air sucked up in such a position may carry with it a mixture of foul gases, if of nothing worse. It has been supposed possible that gases or liquid matters so sucked into the services, at a time when a usually constant supply is intermitted, will be driven out again at the points at which it entered by the pressure caused by the returning water supply; but it has been conclusively proved, by experiment, that this is not the case. Dr. C. W. PHILPOT, the Medical Officer of Health of Croydon, on one occasion allowed a quantity of a solution of burnt sugar and other harmless liquids to be sucked up through the tap in the scullery of the house he occupied when the usually constant water supply was temporarily stopped and the pipes consequently in a state of vacuum, and it was found the next day to be mixed with the returning water in the mains, and distributed among other houses at some little distance. It follows, of course, apart from the question of w.c. fittings, that an intermittent water supply is often a source of some danger, from the state of vacuum set up in public mains and services causing a strong suction through any leaks or fractures or other opening that may exist in them of any gases or liquids within reach of its influence; but that point is not, I think, within the limits of our present subject.

What has been said as to the danger of the direct connection of the pans of w.c.'s with cisterns applies with nearly as much force to urinals, which should always be supplied with water from small independent cisterns, so arranged that the water they contain cannot be used for domestic purposes. It may be remarked, in passing, that urinals indoors, however fitted, nearly always become offensive after a time, owing to the practical impossibility of entirely preventing incrustations on all the parts. In cases,

however, where such accommodation must be provided, the urinal itself and the trough and slabs, &c., should be of non-porous earthenware, or of some enamelled material, and on no account of ordinary slate, which, in such situations, soon acquires a very offensive coating.

As regards the method of making sanitary surveys, no point appears to me to be more important than that a Surveyor should trust to nothing but the evidence of his own senses. There are, of course, many builders who thoroughly understand sanitary work, and honestly do their utmost to get all they have in hand done thoroughly and well; but, on the other hand, many with the best intentions are strangely ignorant of the first principles on which the sanitary safety of the inmates of a dwelling-house depends; and others, again, are reckless of everything, except getting their houses ready for letting or sale with the least expense in the quickest time; moreover, even those master builders who are themselves competent and honest are necessarily, in the execution of their work, much in the power of dishonesty or ignorance in those they employ. It has not been uncommon for sanitary inspectors to find the lower ends of what appear to be the ventilating pipes of house drains merely stuck into the ground, without any connection with the drain whatever; and I was assured the other day, by an inspector of very large experience, that he had known a builder make one set of drain pipes serve for the house drains of a whole terrace, by removing the pipes laid for the drain of each house as soon as the inspector had passed it before filling up the trench, and laying them again to be again inspected as the house drain of the next house, and so on in succession along the terrace, until in the end only the last house in the row was really connected with the sewer at all.

It is not uncommon, if the supply of pipes run short

while a drain is being laid, for the labourers to omit one length here and there altogether, and to make up the gap with brick bats, and broken slates; thus, when the drain comes to be used, causing certainly a serious leakage out of it, and probably its entire stoppage.

An instance recently occurred in which the waste pipe from a sink had been carried untrapped direct into the house drain, and a piece of pipe unconnected with the sink stuck into the outside of the external wall of the house over the gully on to which, according to the regulations of the district, the waste pipe should have discharged, to represent the waste pipe to outward appearance, and satisfy the sanitary inspector. In another case, the house drains of some houses of considerable value were laid with a fall from the sewer towards the house, so that instead of the sewer draining the houses, the house drains drained the sewer, and the drains being defective enough to allow of the escape of the returned sewage under the floors of the basements of the houses, the state of affairs was not discovered until pools of sewage had been standing for some time under the floors, and serious illness had resulted from it.

It is very difficult, without absolutely laying bare the whole of the work (which is in many cases impossible), to attain to absolute certainty as to the sanitary condition of most dwelling-houses, but no one can hope to arrive at even a probable conclusion without personally testing and examining with his own eyes every part which is open to inspection; more especially, considering the senseless difficulties often thrown in the Surveyor's way by the occupiers of houses he may have to examine. Many persons seem to regard a suggestion that the sanitary arrangements of their houses may be defective as a sort of imputation on their own virtue, and instead of hastening to give information and assisting in the discovery of defects

as the first step towards delivering themselves from danger, they seem to resent the enquiry as if it were an inquisition into the private faults of their personal character. I had on one occasion to survey a large house which had been bought by a client for occupation, and was assured by the vendor and then occupier that he was satisfied that everything within was in the most perfect sanitary order. Nevertheless, on every floor were found the gravest sanitary defects, and it was ascertained afterwards that the occupier had at that time actually been living in the house for two or three years after the existence of those very defects had been pointed out to him by the sanitary inspector of his district, who had visited and surveyed the house in consequence of a case of typhoid fever occurring in it.

I trust that this Paper will be largely supplemented in the discussion which, I suppose, will follow it.

I have felt greatly the disadvantage of writing a Paper nearly the whole of which must consist of facts so familiar to the greater number of those who would hear it read, unless a great deal which might be useful to others who are not already practically acquainted with the subject and may read the Paper hereafter were to be omitted, and I trust generous allowance will be made for its consequent want of novelty and interest.

I might, perhaps, add that the limits laid down for the Paper, in order to keep it at once within the writer's powers and the space and time at his disposal, excluded any further reference to construction than is necessary to make clear the process of discovering defects, and that any description of different fittings, or discussion of the merits of different makers, has been intentionally avoided—the aim of the Paper having been rather to state and illustrate the principles by which the efficiency of all fittings alike may be judged.

Mr. T. CHATFIELD CLARKE (Fellow) thought the Members might congratulate themselves on the very practical and very modest Paper just read. The author did not claim any novelty for his remarks, but, however this might be, it could not be denied that they were couched in language at once moderate, sensible, and judicious.

One passage near its commencement struck him as confirmatory of this estimate of the Paper—the passage in which the author stated that it seemed to him “very desirable that “Surveyors should avoid pressing on their clients counsels of “perfection.” This was a prudent and wise suggestion, because with the prevailing rage for what was called sanitary science, clients were often advised to go to a wholly unnecessary expense—as much as £600 or £800, and such like sums—in altering the drainage and sanitary arrangements of a house, whereas, by the expenditure of a much less sum, the work might have been adequately done. The result was, that people were in a measure debarred from undertaking what was often very necessary by fear of the cost. Now, it was a most curious thing (confirming what Mr. MARTIN had said) how very little, even at the present moment, many people understood about the ordinary healthy requirements of a house. It was his (Mr. CLARKE’s) duty only last Saturday to look at a house in the suburbs of London, with a rental of more than £400 a year, where the main w.c.’s were not ventilated to the outer air at all and had no windows, and where the scullery sink went directly into a cesspool with no ventilation whatever. All the other sanitary arrangements of the house were of a similar character.

There was one remark he wished to make without dealing with the details of the Paper, which it was impossible to do without that careful consideration which it demanded, and that was as to the practice of providing

“water-waste preventers” for closets and urinals. These waste preventers were causing universal dissatisfaction. They did not give an adequate flush of water, and the sooner a more efficient mode of flushing and supply is adopted, the better. No doubt the idea that the house cisterns or the feed cisterns that supplied closets should be unconnected with each other was perfectly correct, but experience proved that a larger flush of water was required, without waiting for the fresh supply into the water-waste preventer.

The laying bare and ripping open of finished work was one of the greatest practical difficulties that Surveyors had to contend with. No difficulty of the kind, however, need arise in connection with the drains of new houses, for no doubt it had been Mr. MARTIN's practice, as it had been the practice of most Surveyors, to take care that no drains were covered up until they were thoroughly inspected by the architect or the clerk of the works, and this seemed to him (Mr. CLARKE) one of the cardinal points to be observed in the construction of houses. He begged to propose a vote of thanks to Mr. MARTIN for his Paper.

Mr. H. H. COLLINS (Fellow) had much pleasure in seconding the vote of thanks, and must admit with Mr. CLARKE that the Paper contained much valuable information.

He had hoped that it would have dealt a little more with the practice of sanitary surveying, and a little less with those defects which, as the author had himself admitted, were thoroughly well known and appreciated by most Surveyors. What the younger Members needed was information which would enable them to trace sanitary defects to their origin, and to recognize insanitary conditions arising from particular circumstances of aspect, locality, and general surroundings. It came pretty much, however, to this, that,

if people wished to keep their houses clean and healthy, they must exercise constant personal supervision. It had come to be very generally understood in these days that impure air was the cause of most of the diseases properly called zymotic, and he thought that people had, in a great measure, within their own control the means, if not of getting rid of these gases, at least of rendering them innocuous.

One most important point to consider was the question of ground air, a point fully appreciated by the Council of this Institution when engaged, in conjunction with the Royal Institute of British Architects, in the consideration of the by-laws (so long hatching, and which came to so very little after all) proposed by the Metropolitan Board of Works a few years since. This Institution had, on that occasion, impressed on London builders the absolute necessity of covering the site of all houses with some impermeable material, such as concrete. This had now become law, but he was sorry to say, the mode of carrying it out was a snare and a delusion, the concrete put in being of so inferior a description, that it did not at all answer its purpose. He thought that nine inches of concrete would be far better than the six inches which the by-laws prescribed. This would make a really good covering for the site, and if District Surveyors did their duty by looking to the character of the concrete, it would prevent, in a great measure, the impure ground air from finding its way into houses.

With reference to the remark on the first page of the Paper, that "the omitting to pour water into the traps of rain-water gullies near windows in long-continued dry weather" was a cause of evil, he ventured to think that there should be no gullies of the kind to clear. The traps used at Fitzjohn's Avenue, St. John's Wood, by Messrs. KELLY, the builders, were worth calling attention to. They con-

sisted of a double trap, with a kind of well into which the rain-water pipe descended (simply to prevent it from splashing) and they were so constructed that a man could easily get his hand into them to clean them out. There was a grating on the top of each, and the drain was exposed to the air, the water pouring itself into an open glazed container, which had a P trap on the other side.

It was impossible to have the old-fashioned closet apparatus properly cleansed. Whether it entailed expense or not, the moment a Surveyor discovered pan closets with D traps he should say at once, "Before doing anything else, these closets must be taken out of the house." If they remained, all else that was done was useless. These D traps and containers were simply retorts for the distillation of impure air, which would permeate the house, do what one might. After his recent speech on the subject, Mr. HILLIER was very properly twitted by the plumbers present for manufacturing more of these things than of his own patent apparatus which he recommended so highly; and his answer was that he was compelled to make them, on account of the public demand for them.

Wherever a w.c. was planned in the interior of a house, the soil pipe was bound to be carried down inside, and, where this was the case, it would be the cheapest thing in the end, whatever the immediate cost, to remove the w.c. and place it elsewhere, so that it had external ventilation.

He could not agree with Mr. MARTIN's dictum that "a Surveyor should trust to nothing but the evidences of his own senses." In making sanitary surveys, the apparent evidence of the senses was most misleading, as was constantly proved in practice. In the great majority of cases, the defects afforded no evidence to the senses, and could only be detected by an intelligent discrimination of sanitary and insanitary conditions.

He agreed with what Mr. CHATFIELD CLARKE had said with reference to water-waste preventers, and had long since expressed similar views. One form of waste preventer which he had used, and which might be employed successfully, was Mr. FIELD's syphon with a one-and-a-half inch supply pipe to the closet. This syphon, applied to a w.c., and regulated so as to discharge itself at stated periods, rendered it independent of the action, so often neglected, of pulling up the plug. He, himself, had no traps to the w.c.'s in his own house. The excreta was discharged at once into the open air, and, though the point at which the discharge took place was awkwardly situated near the door to which the tradesmen came, he had heard no complaint. The soil discharge pipe was open at the top and the bottom, and thus a current of air was constantly passing through it, and this was all that was necessary to ensure hygienic conditions.

As regarded what had been denominated the "crimes" committed by speculative builders, three things were wanted: a little more legislation—not too much—a good deal of punishment when the "crime" was discovered; and a thorough education of those who had to detect and to rectify the evils that existed.

Mr. CLARKE said that he had omitted to refer, as he had intended, to the recent death of Mr. GEORGE JENNINGS, who had done so much towards the improvement of sanitary appliances, and who, as the result of his energy and skill, reaped a very large and well-earned reward. He thought that some testimony was due to Mr. JENNINGS' great public services in connection with the matters under discussion.

Mr. J. W. PEGGS (Visitor) said that, although there was nothing particularly new in the Paper, the principles enunciated by the author could not be too often brought

before the public, for, in spite of the exertions made, very little practical result had been obtained.

In the buildings that rose in the suburbs of London by the acre, there was little or no attempt to apply these principles, and sanitarians should, he thought, devote themselves to securing their compulsory adoption; and he agreed with Mr. COLLINS that, with this view, a little more legislation was necessary.

He understood the author of the Paper to say that the ventilation at the back of a house might sometimes fail. He supposed he meant by the ventilation at the back, a mere relief pipe, for in perfect ventilation there should always be an inlet as well as an outlet to cause a current of air to move through the drains. The cardinal point in house-drainage was to keep the sewage matters always in motion, so as to insure a continual movement from the house, and a perfect circulation of fresh air in the house drains and sewers. The remarks made with reference to Dr. BUCHANAN'S arrangement at Croydon required a little correction. It was not originated by Dr. BUCHANAN, but by Mr. ROGERS FIELD.

The mode of carrying up ventilation pipes was a very important point, because a pipe cranked round an eaves gutter might trap itself and check the current which ought to exist in it, and in nine cases out of ten he noticed that soil-pipe ventilators were not taken straight up, but were cranked round in this unsatisfactory manner.

It had been said that counsels of perfection were undesirable, but he would only say that it was a most unsatisfactory thing in house drainage to go to half measures. To do so would often be to leave the evil unchecked, and in many cases he had himself had to do with, unless every inch of the house drains had been examined, the basement thoroughly excavated, and the drains taken out, the mere

carrying up of a soil pipe or letting in of fresh air would have done no good whatever. All badly-laid drains were filled with black sludge, and it was useless to attempt to remedy their defects unless it was done thoroughly, inch by inch.

Mr. A. PAYNE (Fellow) did not agree that there had been no real advance in sanitary science. The sanitary defects so much referred to were found not so much in houses erected by speculative builders, as in the old houses put up 40 or 50 years ago. He once surveyed a house in Kensington, some 40 years old, in which all the drains discharged into a cesspool immediately under the drawing-room window, and the overflow pipe, which passed right through the house into the street, was made of brick; cases of the kind were rarely met with since the introduction of the modern sewer system, and this being so it might, he thought, be fairly stated that sanitary science had made very great advances in recent years.

As regarded the supply pipe from the cistern to the w.c., so long as the supply pipe was so arranged that it was kept full of water by placing the tap at the bottom, the danger of contamination to the water was not so great as in the case so often met with where the tap or plug which allows the water to come out of the cistern is in the cistern itself, being pulled by a string or wire from the closet. Nothing could be more objectionable than this arrangement, and the Sanitary Surveyor should insist upon its immediate removal, for it was obvious that the pipe passing down from the cistern was charged with foul air, which, when the plug was pulled, would escape into the cistern.

It was insisted by Mr. COLLINS that, where a closet existed in the middle of a house and there was no window

to it, it must be done away with at once. It was all very well to say so, but it was like a doctor insisting that his patient, a man perhaps of limited income, must go to Italy, say, for five years. It was not a question of what he should but what he could do. The Sanitary Surveyor must look at the thing practically, and not act without reference to reasonable possibilities and without leaving his client an alternative course. It had been his practice to make notes of all defects and arrange them in order; such and such things as absolutely necessary, and other things as less necessary.

One danger which Sanitary Surveyors must be on the look out for arose from structural alterations in houses. He recently inspected a house in the Buckingham Palace Road, where the rain-water pipes from the flat had been taken down into the drains in the manner that had been mentioned; there was an open pipehead, and some builder in making additions to the house had carried the ceiling of a new room over the bare pipehead, thus connecting the sewer with the whole house.

It often happened that builders overlooked the real object of concreting the sites of houses. The object of concrete in the foundations of a house was to get strength, and, if the concrete were strong, it answered the purpose; but preventing the ground air from coming up into the house was a different object altogether, and it was not so much strength as impermeability that was required, and the concrete for this purpose should be made up with fine ballast and be well grouted; its quality could be tested by throwing water down, for unless impervious to water, it could not prevent the damp from rising. Builders would neglect this unless properly looked after.

Mr. C. W. LEE (Associate) would be glad if Mr. MARTIN

would state whether he knew any instance of the failure of external soil pipes. He believed that at Kensington, the winter before last, external soil pipes were frozen up, and the people were left in a shocking state. These pipes were removed subsequently, and placed inside the houses again.

Mr. W. FOWLER (Fellow) thought it was of little consequence whether people adopted the new means which science had provided, or the old, if this vital principle was kept steadily in view, that ventilation should be outside the house. That was the key-note to the whole question. The miserable circumstances of the illness of the PRINCE OF WALES were fresh in the minds of all. A house, in that instance, was selected, for sanitary reasons, on the top of a hill open to the air and the breeze; but this very fact did all the mischief. The house being on a hill, up which the sewerage system of the town crept, the foul air found its way into the drains, which were without external ventilation, and rendered that house the most unhealthy, which ought to have been the healthiest in the whole town.

Mr. C. K. BEDELLS (Fellow) said, referring to waste preventers, that before a good flush of water could be secured something must be done to limit the powers of water companies. The companies would not approve of any apparatus that discharged more than two gallons of water—an amount sometimes insufficient for the purpose. He had found their requisitions most arbitrary, and such as called for a strong expression of opinion from Members of the Institution. The Companies' sole aim was to save water; the Surveyor's aim to secure a perfect flush, and under these circumstances the Companies should not have absolute power to prohibit the best water-waste preventers.

Reference had been made to the late Mr. JENNINGS, who

was certainly a pioneer in sanitary reform, especially in regard to plumbers' work ; and this brought to his mind a circumstance which illustrated the frequent misuse of very excellent appliances. The case was one where he adopted Mr. JENNINGS' self-acting w.c. apparatus, but finding it too delicate and not quite serviceable for the rough usage of workmen in a large printing establishment, Mr. JENNINGS, with his usual generosity, suggested that the matter should be left to him, and he would put in his "Lactrine" apparatus without any considerable additional expense. An improved form of it was accordingly put in throughout the establishment, and when it had been in operation about six months, much to their mortification, that also showed signs of failure. But when the soil pipe was examined it was found that a pint pewter pot had been put down it by one of the printer's men, and this was the cause of stoppage.

The author had mentioned Dr. BUCHANAN's trap. There was another which he (Mr. BEDELLS) had constantly used for the last five or six months, and which he had every reason to be satisfied with. He referred to the "Weaver's Ventilating Sewer Air Trap," which the Members had no doubt seen in the recent Sanitary and Building Exhibitions. It acted in the same way as the Buchan trap in relieving the drain from all sewer gas by an air pipe on the sewer side of the trap, and it also admitted air to the house drains.

In a recent case within his experience, serious illness arose in a district where a sewer terminated. At the top of Highgate Archway the sewer did not run across the archway, and at the end of it a great deal of illness occurred, 2 or 3 years since, from the fact that the highest point of the sewer was not properly ventilated.

When inspecting houses, it would be well for the Surveyor not always to confine his attention to the exact

house to which he was called. About a month ago, he went carefully over a house close to Belgrave Square, and was leaving when he happened to look over the parapet of the party wall, and found a vent pipe discharging at a low level from the adjoining house, and this was the cause of all the mischief.

Check damp had been mentioned by the author of the Paper, and they were very important. The late Mr. JENNINGS was, he believed, the inventor of one good form of them, and there had been several others since introduced. The chief feature of them was that they were of glazed stone ware, and therefore absolutely impervious to moisture.

The question of ventilated dry areas had also been mentioned in the Paper; and he could not too strongly condemn, what used to be very common, the small covered dry area about 4 inches wide placed against the external walls. He had in his mind some houses at Kilburn, which he was called in to look at because of dry-rot, and he believed it arose almost entirely from these closed narrow areas. In his judgment, these areas should always be as open as it was possible to get them.

The author of the Paper had observed that the Surveyor should form an independent judgment, and not be misled by what a client or the inhabitant of the house might say. It was a very good thing to make visits of inspection unawares. He had been called in to examine an important house where there had been sickness, and the very means taken by the lady of the house to enable him to detect the defect might have had the opposite result. He was to go on a particular morning, and she had all the windows closed so that the smell in the house might be very apparent to him when he arrived. It so happened that the cause of the smell was an untrapped rain-water pipe of a one storey-building, and the shutting up of the windows was the means of

preventing him from discovering it for some time. Therefore, as he said, it was a very good plan not to go at the exact time fixed, but if possible to make a visit unawares.

Internal w.c.'s had been mentioned, and were certainly most objectionable, and in all new houses to be avoided; he feared, however, it was almost impossible to abolish them altogether just at present in the old ones. Those who had had much experience in London could count them up by the hundred. Where it was hopeless to do away with them altogether, the next best thing was to take care to get proper ventilation for them. He had seen some, where, although the ventilating shafts passed down through two or three floors, precautions were taken which rendered them almost innocuous.

Mr. HOWARD MARTIN, in reply, thanked the Members for the very kind and indulgent way in which his Paper had been received. As he said when he read it, he felt it was impossible to write anything new (which was also true) on the subject, unless he entered on a discussion of new inventions and fittings, and details of that kind.

A question had been asked about the freezing-up of external soil pipes. He supposed the thing to be possible, but he had not himself met with an instance. He had removed many from the inside to the outside of houses, but had never known one freeze, and he should say that where this occurred there must be some defect in the workmanship, such as allowing a draught access to the trap or laying the bend too near the surface of the ground. Mr. NORMAN SHAW, in his pamphlet on his method of connecting w.c.'s with house drains, stated that he had never known any inconvenience arise from frost, even in an arrangement which he should say would be far more subject to it than the ordinary closed soil pipe. He agreed with what had

been stated as to the inconveniences of water-waste cisterns, but they removed a considerable danger, and they should be used at any rate till something better is invented.

As to rain-water gullies, he did not suppose they were necessarily the best or only appliance available, but he did not see any reason to call upon an owner to do away with them where they existed. It was the ordinary way to allow stack pipes to discharge over gully traps, and in long-continued dry weather the water in these traps sometimes dried up, and the traps did not seal ; in such cases any smell was easily prevented by pouring water into the trap.

One gentleman, of great experience, declared that he (Mr. MARTIN) was wrong in saying that a Surveyor should trust to the evidence of his own senses, stating that the senses were liable to lead him astray, and that he should depend rather upon his intelligence. He was not aware of any method by which people could apply their intellects to such a subject, except through the medium of their own senses or those of someone else, and he would still stick to his proposition that Surveyors should not trust to anything but the evidence of their own senses.

THE PRESIDENT said it seemed to him that all who had spoken agreed as to the importance of ventilating drains. It also seemed to be the general opinion that, wherever a pan-closet was found, it should be at once done away with, and yet it was astonishing in how many large and excellent houses in this country one found these old pan-closets. Whether this arose from ignorance or parsimony, it was difficult to say ; but he was very much inclined to think that it was from ignorance.

The builder's "crimes" were referred to, and it was said that legislation was wanted to punish him. He would ask whether it was quite certain that all the remedies already

provided had been tried and had failed. Some of these builders were not worth "powder and shot," but he imagined that anybody buying a house and finding that the house was without connection with the sewers, would have a good cause of action against the builder.

As regarded concrete, unless builders were closely looked after, they would sometimes use a very inefficient material for keeping down the damp.

As to the freezing of external soil pipes, he could say, as a matter of personal experience, that they did sometimes freeze, as he found to his cost the winter before last in some houses which, unfortunately, belonged to him.

The vote of thanks having been put and carried unanimously, the Meeting then adjourned.

RIVERS CONSERVANCY AND FLOODS PREVENTION.

BY EVAN POWELL (FELLOW).

*Read at the Ordinary General Meeting of THE SURVEYORS' INSTITUTION,
May 8th, 1882.*

THE PRESIDENT, MR. E. RYDE, IN THE CHAIR.

THIS is a subject which has for centuries, in some form or another, very frequently engaged the attention of Parliament, as may be supposed when it is found that there are now in operation between two and three thousand private Acts relating to the control of rivers, drainage, &c.

The disastrous floods of 1875 and 1876 caused public attention to be forcibly directed to the matter, and elicited a general feeling throughout the country that some more effectual and comprehensive measure should be available for the prevention of such serious calamities which the numerous private Acts were, it was found in very many cases, wholly powerless to cope with. The result was that a Select Committee of the House of Lords was appointed in 1877 to enquire and report on the subject, and their report was issued on the 24th of July in the same year. The late Government had intended dealing with the question, but it was crowded out by other matters deemed more important, and the change in the Administration caused a further delay. A Bill was brought in last Session, and passed by the House of Lords; but, owing to the attention of Parliament being almost wholly engrossed with Irish affairs, it had to be abandoned, in common with much other desirable legislation. Another

Bill has this Session been introduced by the President of the Local Government Board, but owing to its having been brought on unexpectedly for the second reading at a late hour, when those members who were opposed to it—or, at all events, to some of its provisions—had left the House on the supposition that it would not be taken after midnight, it passed without hardly any debate; and the country generally is, I fear, on this account but very imperfectly aware of the vast powers for rating and other purposes which the Bill may enable conservancy boards to exercise.

It is, I think all will admit, a subject on which legislation is required, for some more effectual means should, undoubtedly, be taken to prevent the immense losses which are so frequently occasioned by floods in different parts of the kingdom; but, inasmuch as the Bill now before Parliament introduces a new tax upon land imposed on a novel principle, it is highly desirable that the attention of those connected with this Institution, representing, as it does, the majority of the landed interest of the kingdom, should be directed to it, and, more especially, to the clauses as to the constitution of conservancy districts, the classifying of land, and the principle of rating. With this view, and with the object of raising a discussion on the question, and thereby eliciting the views of those who, from the nature of their professional engagements, are so competent to express opinions on the subject, I have ventured with some diffidence to introduce this Paper, and crave your indulgence for its many shortcomings.

The clauses that I more particularly propose to deal with are those comprised in the first part of the Bill, Sections 3 to 7.

“PART I.

RIVERS CONSERVANCY AND FLOODS PREVENTION.

“3. Any twenty or more owners, or any twenty or more

owners and occupiers, of whom one-half, at least, shall be owners of land of a rateable value in the aggregate of not less than two thousand pounds, and situate in any river basin or contiguous river basins, also any sanitary or conservancy authority having jurisdiction within any part of a river basin or contiguous river basins, may apply to the Local Government Board, by petition, praying that such basin or basins, or any part or parts thereof, may be constituted a conservancy district, and that a conservancy board may be established therein, having power to execute all such works as may be required for the prevention of floods in such district, and for carrying into effect the purposes of this Act; and shall in such petition describe, by reference to a map, the district for which it is proposed that the conservancy board should be established.

“ 4. On the receipt of the petition, the Local Government Board may, if they think a sufficient *primâ facie* case has been made out, and after requiring security to be given for any costs which may be incurred by the Local Government Board in relation to any local enquiry directed under this section, direct a local enquiry to be made by an inspector as to the expediency of constituting the proposed district, and as to the limits to be assigned to such district, and as to such further incidental matters as the Board may think fit; and in particular the inspector shall enquire what lands ought to be described as lowlands, midlands, and uplands, for the purposes of this Act, and what works (if any) have been executed for the protection of any such lowlands or midlands from floods, and in what proportion such lowlands, midlands, and uplands ought respectively to contribute to the expenses of the conservancy board, or some of them.

“ 6. Before any local enquiry is made under this Act, the Local Government Board shall give public notice, by

advertisement and otherwise, in such manner as they may think best adapted to give information to persons locally interested, of the time and place, or times and places, at which the enquiry will be held; and the inspector shall hear any persons locally interested appearing before him, and desirous of being heard in relation to the constitution of the district and the establishment of the conservancy board.

“ 6. If the Local Government Board, after receiving the report of their inspector, together with any evidence taken by him, determine to constitute a conservancy district, as prayed by the petition, with or without addition of any lands to or exclusion of any lands from the lands proposed to be included in the district, they shall frame a draft Provisional Order constituting the conservancy district, and establishing a conservancy board, in such manner as they think expedient, having regard to the circumstances of the case, but subject to the following regulations:—

“(i) Wherever just and practicable, the district shall be divided into three descriptions of lands—(a) lowlands; (b) midlands; (c) uplands; and each of the said descriptions shall contribute in such different proportion to the expenses, or part of the expenses, of the conservancy board, as may appear to be equitable, and as may be provided by the Order;

“(ii) The highest rate in the pound payable by any lands declared to be uplands shall not exceed *one-tenth* part of the rate in the pound payable in respect of the lands in the district which pay the highest general rate;

“(iii) In constituting the board, care shall be taken to secure thereon due representation of owners and occupiers, having regard to the incidence of taxation under this Act; and provision shall be made, whenever circumstances require, for the representation of sanitary authorities, conservancy authorities, or other similar bodies.

“(2) Provision may be made by the draft Provisional

Order for constituting, or for enabling the conservancy board to constitute, sub-districts, and for placing every sub-district so constituted under charge of a committee to be appointed as directed by the Order, and for investing any such committee with any of the powers and duties of a conservancy board under this Act, and for the differential rating, or partial or total exemption from rating (if it appears just), of all or any of the lands in any such sub-district or sub-districts.

“(3) Provision may also be made by the draft Provisional Order, whether the district is or is not divided into sub-districts, for defraying the expenses of executing, or of executing and maintaining, any particular work or works wholly or partially out of a special rate, to be assessed on such of the lands within the district as will derive special benefit from such work or works, and for making, assessing, and levying any such special rate; also, if it appears to be required by the special circumstances of the case, for enabling the conservancy board to execute or assist in executing outfall works beyond the limits of their district. Provision may also be made by the draft Provisional Order for the partial or total exemption from rating of any lands in the district by reason of efficient works for the protection of such lands from floods having been already executed, or of money having been beneficially expended on an outfall for the common benefit.

“(4) Subject to any alterations which may appear expedient to the Local Government Board, all or any of the provisions contained in the first schedule hereto relating to the constitution of the district and the establishment of the conservancy board may be adopted in the draft Provisional Order.

“(5) The Local Government Board shall cause printed copies of the draft Provisional Order to be deposited with the clerk of the peace of every county in which any part of

the conservancy district constituted by the draft Provisional Order is situate, and with the overseers of parishes, and with the several sanitary authorities; also, where such authorities exist with the conservancy authorities, or other similar bodies exercising jurisdiction in any part of such district, 'any copies so deposited shall be open to inspection,' without fee, by all owners and occupiers of land within the district. Arrangements shall be made, under the authority of the Local Government Board, whereby copies of any draft Provisional Order may be procured within the district by any person requiring the same on payment of a sum not exceeding two shillings.

"(6) The Local Government Board shall cause notice to be published of the deposits of copies made in pursuance of this section, and of the time and place or times and places at which one of their inspectors will attend to hear any objections to the draft Provisional Order.

"(7) After receiving the report of their inspector with respect to the draft Provisional Order, the Local Government Board may, subject to the provisions of this Act, make the Provisional Order, with such additions and modifications as to them seem expedient; but the Order so made shall not be of any validity until it is confirmed by Act of Parliament; and the Board may take steps for obtaining the sanction of Parliament to such Order.

"(7) In constituting a conservancy district under this Act, the general principle of division of lands shall be to describe lands subject to ordinary floods and to damage therefrom as 'lowlands,' and lands occasionally subject to flood or to the entire or partial obstruction by flood of drains or outfalls passing under or through them and to damage therefrom as 'midlands,' and the remaining lands included in the district as 'uplands.'"

Now, as regards the constitution of a conservancy dis-

trict, and the establishment of the board, it does appear to me that 10 owners and 10 occupiers of land representing only £2,000 of rateable value, which may mean only 10 owners having land of an aggregate value of £1,000, and their 10 tenants, is a very inadequate number to apply to have the machinery of the Local Government Board set in motion in a large watershed; indeed, I can hardly suppose any river catchment basin so small that this number would be sufficient for it. I think there ought not only to be security given for the costs of the Local Government Board, but also for those of the owners opposing, if the applicants are unsuccessful; otherwise the owners may be continually harassed by speculative individuals who will be getting up schemes with a view to their own advantage rather than that of the district.

The control of rivers, and the embankment or other works necessary to prevent floods, appears to me to be essentially a landlords' question, and for this reason I consider that the application for the formation of a conservancy district should emanate from landowners only, and not from occupiers and owners, and that the conservancy boards should be formed wholly of owners, who alone should be charged with any rates that may be levied under the Act; for the rate in any case will eventually have to be borne by them. With regard to the enquiry which is to be made by the Local Government Board inspector in the district, and which seems to be similar to that now made for defining the limits of the district prior to the formation of a local board, I confess, from the little experience I have had, I am not favourably impressed with it.

The inspector comes down, hears the evidence, reports to the Local Government Board—what he reports we never know—no reasons are assigned, but generally the district is enlarged to include as wide an area of taxation

as possible, and the landowners who have opposed their property being included never have the satisfaction of knowing why it has been included. There is no appeal except by opposing the scheme when brought on by the Local Government Board for Parliamentary sanction. It seems to me, however, that there should be some means of appeal against the inspector's decision less costly than opposing the scheme in Parliament.

The Bill provides for the division of the whole kingdom into three classes of land, viz., lowlands, midlands, and uplands. Lowlands are lands subject to ordinary floods and damage therefrom; midlands are those lands which are occasionally subject to floods, or to the entire or partial obstruction by flood of drains or outfalls passing under or through them, and to damage therefrom; and all the remaining lands as uplands.

It further provides that the highest rate in the pound payable by any lands declared to be uplands shall not exceed one-tenth part of the rate in the pound payable in respect of the lands in the district which pay the highest general rate.

Now, at first sight, this may seem a very small matter, but, inasmuch as the area and rateable value of the uplands in most river watersheds is a hundred times more than the lowlands and midlands together, it follows that, instead of the uplands having to pay only one-tenth of the cost of any necessary works, they may be called upon to contribute collectively ten times as much as the aggregate sum paid by lowlands and midlands, who alone would be benefitted. This, I submit, is most unjust; indeed, I consider it unfair that the uplands should be rated at all, unless it can be proved that they have by some act or works executed within recent years caused an augmentation of floods, and the onus of proof as to this should not rest with them, but with

those who seek to tax them. What justice is there otherwise in taxing lands for an improvement that will in no way benefit them? Such a proposal is contrary to the established principle that the area of taxation should be coincident with the area of benefit. Is it reasonable or just that land which may be increased in value 20s. per acre by embankments or other works for the prevention of floods should receive any contribution towards the cost of such works from persons not benefitted, and who have not contributed to causing the injury, until they themselves have paid to the full extent of the benefit they will derive? And if the cost of the improvement works exceeds the benefit therefrom, then, either such works should not be undertaken at all, or, if undertaken, should be treated as a national question, and the excess of expenditure paid out of national resources, to which all property—and not land alone—should contribute. Some limit must be put to the accumulation of charges on land, or the rates, if they go on increasing in the present ratio, will absorb all it produces. I had hoped that the Government would have directed their attention to relieving land from taxation, instead of attempting to impose fresh burdens on it.

As an instance of the injustice of this kind of taxation, I may mention the rating of agricultural land under the Public Health Act, which, doubtless, many of those I am addressing have had experience of. I am acquainted with a town in Wales having a population of about 6,000, where a local board was formed a few years ago with a boundary which included the town itself and nearly all the accommodation land in its vicinity; but it was afterwards decided to try and increase this boundary, and, at the suggestion of the Local Government Board or their inspector, the boundary was enlarged so as to comprise the whole of the two parishes in which the town is situated. Now, one of these parishes

is an extensive one, and includes a large area of purely farm lands lying a considerable distance away from any part of the town. The town has recently been drained at a cost of some £12,000 or £15,000, which drainage, I need hardly say, only benefits the house property in the town. Now, I know a farm—and it is only one of several others similarly circumstanced—three miles away from the town, which is rated on the full value of the farmhouse, and on one-fourth of the value of the land held with it. It derives no advantage whatever from the drainage, there is no public sewer within two miles of it, and yet this farm has to pay more towards the drainage rate than any private house or shop in the town referred to, notwithstanding that the latter have all the advantages of the public sewers. This, I think will be agreed, is most unjust, for the farm, unlike accommodation land, is not enhanced in value by proximity to the town, and, as the rates in the district in question amount to some 7s. or 8s. in the pound, it has caused a serious diminution of renting value. Such legislation should be amended and not copied, as it is, in the proposed Rivers Conservancy Bill.

The Rivers Conservancy Bill was introduced in consequence of and mainly in consonance with the views expressed in the Report of the Select Committee of the House of Lords sent in in 1877, after an exhaustive examination of 27 witnesses, comprising some very distinguished and competent authorities on the subject of the enquiry. I have gone through the whole of this evidence, and, after doing so, I must say that, so far as the question of the liability of the uplands to contribute to the rating, or their having contributed to augment floods by drainage, is concerned, I think the Report of the Lords is scarcely in accord with the balance and weight of the evidence brought before them.

Their Lordships report that floods have been more frequent and of longer duration in recent times than formerly, and

that among the causes assigned for this is the general adoption of the system of subsoil drainage, owing to which a greatly-augmented quantity of water is carried into rivers. Now, it is open to argument whether floods in all catchment basins are more frequent and of longer duration than formerly. My own experience is mainly confined to the Severn basin, and there it is well known that the largest flood in the present century occurred in 1852—thirty years ago—when hardly any land drainage had been effected; but in the previous century there are records of still larger floods, which drainage could, assuredly, have in no way influenced.

The only witness examined on the Lords' Committee who appears to have had a special technical knowledge of the Severn was Mr. EDWARD LEADER WILLIAMS, the engineer of the Severn Navigation, who had at that time acted for forty years in that capacity. He says: "I think that the Severn floods are very little affected by the mere drainage outfall as compared with the shooting down of immense bodies of water from the sides of the Welsh mountains. There is where we get our principal floods, and that has very little reference whatever to the drainage. I do not think the drainage of the land has much influence upon the Severn floods;" and he previously states that he would not tax the whole area, but only that which is benefitted.

DOES MERE SUBSOIL DRAINAGE CAUSE A GREATLY-AUGMENTED QUANTITY OF WATER TO FLOW OFF, AND SO OCCASION FLOODS?

This is the question upon which I am most anxious to elicit your views, for on it hangs the only pretext for the rating of uplands, which the Lords, in the latter part of their Report, seem to approve of. I contend that subsoil

drainage does not augment floods, but, if anything, has an opposite tendency, for, by reason of its drying the land previously charged with water to the surface, it becomes more porous and absorbent, and that instead of rain-water flowing off more rapidly it retains it longer than it otherwise would. I will illustrate this (by an extreme case, I grant), but still sufficiently analogous for my purpose. Suppose a sponge to be fully charged with water. Pour water upon it, and all the water so poured flows off at once. Squeeze the sponge dry, or partially dry, and then pour water upon it, and it will be found that it will continue to absorb it until quite full. Now, the sponge charged with water represents undrained land, and when dry, or partially dry, the same land drained; and I hold that draining the land has a similar effect to the drying or squeezing of the sponge.

The evidence taken before the Lords' Committee seems to be very conflicting on this question.

The first witness examined on the point was Mr. ROBERT RAWLINSON, C.B., a Civil Engineer, as all know of large experience, and chief inspector under the Public Health Act. In reply to various questions as to the effect of drainage in causing floods, he distinctly says he does not believe that either drainage or cultivation affects floods in any appreciable degree; that he considers floods were as bad before drainage as since, and as bad since as before. He thinks that land drainage and land cultivation modify the flow of water during ordinary seasons; that they also modify the climate during ordinary seasons; but that they have nothing whatever to say to excessive drought, or to excessive rainfall. To have a damaging flood, he adds, the soil must be saturated up to the surface; and whether that soil is drained or undrained, if it is saturated up to the surface, the volume of water falling on that surface comes off, and the draining or interfering with the land makes no difference to the

volume of water that will flow upon it and the volume that will flow off. He adds that this is equally true, whether the land is a mountain slope or a sandy subsoil, and that he has evidence that large areas of almost sand have given off seven-eighths of the entire volume of water falling upon the surface. When pressed further on the same point, he twice again repeats that, in his opinion, drainage makes no difference whatever in the case of extreme floods ; and when asked whether the drainage brought down more solid matter now than formerly, replies in the negative—that it has rather the contrary effect. The Lords seem to have had a different opinion, for Mr. RAWLINSON is again questioned upon the point, and asked if he had observed land drained and the outlet dry, and the one trickling and the other with a volume of water, and whether it did not follow that that volume of water, getting into a confined space, will raise it much more with the land undrained? His answer is, “ No ; the volume of water that you see flowing out in dry “ periods, relieving the land in those periods, is taking “ away the dry-weather flow, and is doing a vast amount of “ good in increasing the power of vegetation, and also in “ raising the temperature over that area. But I speak of “ an excessive flood—of a flood caused by rain upon rain “ during a series of weeks or months ; and then, I say, “ whether that land has been drained and cultivated, or “ whether it has been left in a state of nature, the action of “ that flood upon the surface in the one case is just the same “ as in the other, and that you have not interfered with the “ action of the excessive flood by your draining ; it comes off “ as rapidly, and comes off in the way that it does over the “ undrained place, simply because it is water falling upon “ water. It is water falling upon a subsoil logged to the “ uttermost, and whether it is drained or undrained makes “ no difference to the volume of water. The undrained

“field retains its subsoil water in dry periods, and the
 “drained field passes it away ; but in the flood, both of them
 “are saturated to the surface, and then the excess goes off
 “the surface of both equally.”

Further on, he denies that the rivers are now subject to greater fluctuations of rise of water than they used to be. Several other witnesses are examined on this point, most of whom content themselves with a mere expression of opinion, without assigning any reasons. Mr. BAILEY DENTON, however, enters more fully into the matter, and states the result of his observations on the point to be that “under-drainage
 “hastens floods, and increases the quantity of water thrown
 “down into the valleys under certain conditions ; first, by
 “the improved outfalls which discharge the water of the
 “under-drains as well as surface waters, that is, those waters
 “which, not being absorbed by the soil, flow off the surface.
 “All land improvements based on systematic drainage effect
 “both those objects at the same time. It is more by these
 “outfall works than by drainage itself that the upland
 “waters, which were previously detained for want of outlet
 “and outfalls, are now thrown down more rapidly into the
 “valleys. Up to the time when the rain has filled the soil
 “and brought it into a state of repletion, that is, of saturation, the drained land absorbs and retains the rain falling
 “upon its surface, and so retards overflow and delays floods.
 “When clay land, however, is filled up to a condition of
 “saturation, which generally does not take place earlier than
 “November, rain falling on the surface will pass through
 “the crust of soil which is drained, down to the under-drains,
 “and out by them to an amount equal to one-half of the
 “rainfall in twenty-four hours. If an inch falls on the surface, half-an-inch, when heavy rains occur, will pass out
 “by the under-drains.” He further states it as his opinion that floods are hastened and increased by drainage, but

asserts that all the water which now passes into the drains, and which he averages at about one quarter of the total rainfall, would have been evaporated previous to drainage. This is a theory I differ from, but time will not admit of my entering into the question. The tenor of his evidence is that drainage has increased floods, and, in further answer to this question, says that it does so after repletion has taken place, and that as soon as the soil is saturated, as before explained, water is thrown down from the uplands into the valleys in a very large degree.

To a certain extent, the evidence of Mr. RAWLINSON and Mr. BAILEY DENTON is in accord, but their conclusions are very different. The latter considers that a much larger proportion of rain-water than my experience warrants, enters the drain, and just four times as much as Mr. RAWLINSON states. If his theory is right, I can only say a great deal of land is drained with too small outlet pipes, but in the theory propounded as to new water and evaporation, and that all that now enters the drains was evaporated previous to draining, no one who has observed an undrained clay field on a slope will, I think, agree with, for the water may be noticed running off along the furrows or any surface depression, and I am of opinion that the rain-water from such land flows off into the river more rapidly before draining than afterwards. That the straightening of brooks and watercourses and the making of better outfalls has accelerated the flow of flood water is, I think, true; but that sub-soil drainage alone has done so, I do not admit. Again, if, in the course of a long river, improved outfall drainage has accelerated the flow of water, and if this acceleration has taken place pretty uniformly throughout its course, the water accelerated near the mouth will have passed away before that higher up reaches it, and thus the state of the river will be much as before.

One of the main causes of increased floods upon which, I think, all the witnesses examined on the point by the Lords' Committee are agreed, is the neglect of the navigable portions of rivers owing to the diminution, and in many cases the total cessation, of traffic since the construction of railways, so that there are either greatly reduced funds or no funds at all available for the proper dredging of the bed, protection of banks, or other necessary works.

With reference to the rating of the uplands, the Lords' Committee, in closing their Report, say: "With regard to the principle of assessment which should be adopted in raising the rates which would be required to meet the expenses of conservancy, the Committee find that there is much variance of opinion. The principle introduced by the statute of Henry VIII., and observed ever since, of taxing in proportion to the benefit conferred in each particular case by the works of conservancy, appears to work unfairly in some instances, and to be incapable of application in others. That of taxing equally all riparian lands included within a certain level seems likewise open to objection.

"They are strongly of opinion that towns and houses should contribute to the rates in question.

"At the same time, there does not appear to be any injustice in rating uplands to the maintenance of a channel to which they contribute their quota of waters, and the case is still stronger with respect to towns which are at present exempt from taxation for this purpose. There is also, as the Committee think, no reasonable objection to the taxation of lands, &c., situated upon tributary streams on account of their being taxed for the conservancy of such streams.

"Having regard to these considerations, and looking to the extreme difficulty of rating lands according to the

“benefits derived, the Committee think that the rates
 “should be distributed over the whole area of a watershed;
 “the lands and houses below the flood level being rated at
 “a higher amount than those above it, and other graduations
 “and exceptions being made to meet particular cases.

“Subject to the above recommendations, the Committee
 “think that the taxation required for drainage purposes
 “should be levied on the basis of rateable value.”

This paragraph, I submit, is hardly justified by the evidence given, for, with few exceptions, all the witnesses are in favour of adhering to the old principle established 350 years ago, and which has prevailed ever since, of rating those benefitted in proportion to the advantage derived or damage averted.

The principle adopted in Ireland, as explained by Mr. S. U. ROBERTS, the Assistant Commissioner of Public Works in Dublin, of having the land valued before the works were executed, and an estimate made of the increased value which would result from the proposed operations, and the rate based on this, commends itself as fair and just, and seems to have worked satisfactorily in a country where we know people are not slow in expressing their grievances.

The Lords seem to indicate that, inasmuch as uplands contribute their quota of water, there is no injustice in their being taxed for the maintenance of the main channel; but the right of discharging their waters into the main stream is an easement nature has conferred, and one that has been enjoyed ever since the valleys and rivers were formed, and it would be just as reasonable to tax us for the air we breathe as for our natural right of river outlet. It is monstrous to ignore or set aside this right and to recognize that of millers to dam the stream, and various other obstructions, which I may term unnatural easements of comparatively recent origin.

If people wish to improve their land, by all means let them do so; but at their own cost, not by putting their hands into other people's pockets. There is, I think, little question that, in the vast majority of cases, the benefit to be derived, by those directly interested, from the prevention of floods, will far exceed the cost of the works.

The uplands have largely contributed to the enriching and fertilizing of the lowlands by the working down of their manure and soil. This is an involuntary gift, it is true, but it far more than compensates for any damage done by the increased discharge of drainage water; and it would, I think, be more reasonable to tax the lowlands for this than to rate the uplands, because their water flows in the way it has always flowed.

There are, I imagine, comparatively few instances where farmers would wish winter floods altogether excluded from their lands. They are fully aware of the good they do, and it is questionable whether the benefit thus conferred does not in the average of years in a river basin such as that of the Severn equal the injury done.

Great injury is in many cases now done by persons depositing solid matter in the river, and if the law is not already powerful enough to prevent this, it should be made so. I quite believe in the desirability of having a conservancy board for each river or large tributary, and think the present Bill may be a very useful measure; but unless the uplands are excluded, its utility will, I fear, be destroyed, for there will be so much opposition, that it will be hardly possible to form any large river basin into a conservancy district. Taking the country generally, I do not suppose that one-twentieth part of the land has been drained; and, this being so, admitting for the moment that such drainage does accelerate the flow of water, the amount of increased flood through this cause could be but very trifling.

There are, however, large tracts of land in every river watershed that have never been drained at all. What justice is there in rating these ?

I can call to mind one property of 4,000 acres in which not more than 100 acres have been drained. Is this property all to be taxed in the same proportion as another estate in the same catchment basin which has all been drained ?

The principle is a wrong one, and when the country becomes aware of what the Rivers Conservancy Bill may enable a board formed under it to do, there will be an unmistakeable outcry against the injustice. I trust the country will make their voice heard in time to prevent such iniquitous proposals from becoming law.

On the 26th ult. a numerous and influential deputation, from the counties of Montgomery, Salop, Radnor, and Brecknock, waited upon the President of the Local Government Board to urge our views ; this deputation comprised gentlemen of very different political views, and I am glad to observe that, although introduced by a Member of the Government, the Bill is not regarded as a party question.

I believe Mr. DODSON thinks we are unnecessarily alarmed, and that the taxation will be an inconsiderable trifle, but so we were told when the Education Act was passed, and that the rate could not possibly exceed 3*d.* in the £, whereas in many parishes it has been found to be more than five times that sum. He says it is only an enabling Bill, and that it is not obligatory to tax uplands unless it is found just and practicable in the division of a district ; but we all know that the desire of the promoters of any scheme will be to make the area of taxation as large as possible. As in the case of local boards, and with such an unlimited area as the whole of many river catchment basins would be, I fear there would be a corresponding unlimited and uncontrollable outlay.

Mr. DANIEL WATNEY (Fellow) had much pleasure in moving a vote of thanks to Mr. POWELL for his very clear and able Paper. On the whole, he agreed with the views which Mr. POWELL had expressed, but there were some few points in it from which he would venture to express his dissent. All were, probably, agreed as to the desirability of something being done to carry out the objects of the Rivers Conservancy and Floods Prevention Bill, for all were aware of the great evils which arose from floods, and the inadequacy of the present means of dealing with them.

There could be little doubt that it is the mills which are answerable in a great degree for the floods, and, this being so, it was rather remarkable to find, on reading through the Bill, that the word "mills" did not occur in it at all. In fact, the Bill conferred no power of taking buildings of any kind, and dealt only with water-courses, mill-dams, and weirs, unless the words "having power to execute all such works as may be required for the prevention of floods" could be construed as including the removal of mills. He understood that there were five pages of amendments to the Bill, and, judging from a cursory glance at them, these amendments, if any large number of them were carried, would very materially alter the scope and intention of the Bill in nearly all its details. Exception had been taken by Mr. POWELL to the provisions which enable the sanitary authorities to set the Local Government Board in motion, and he thought the objection well founded. He could not help thinking, however, that Mr. POWELL had taken rather an erroneous view of the area with which the Bill proposed to deal. Clause 3 specified "river basins or contiguous river basins," and he did not think the clause should be taken as implying that the whole watershed of the valley was to be taxed, and that such districts as the Sussex Downs and the Cotswold Hills should be included, although

of course, they did come into particular watersheds. The clause went on to enact that "any sanitary or conservancy authority having jurisdiction within any part of a river basin or contiguous river basins may apply to the Local Government Board by petition, praying that such basin or basins, or any part or parts thereof, may be constituted a conservancy district." Again, in Clause 7, uplands were described as "the remaining lands included in the district." That only meant the remaining lands of the district to be formed under Section 3, and therefore was to be taken as meaning, not that the whole country was to be taxed, but that such portions only should be taxed as benefitted either directly such as lowlands, or partly such as midlands, or slightly such as uplands.

Again, he did not think that the clause which related to the taxation of uplands had been interpreted in accordance with the intentions of those who framed the Bill. It recited that the charge should not exceed one-tenth of the charge of the lowlands. Not that it should be one-tenth, but that it *should not exceed* one-tenth. It might be one-twentieth or one-fiftieth, the precise amount being in the discretion of the Board to be constituted.

According to Clause 6, Sub-clause 2, "Provision may be made by the draft Provisional Order for constituting or for enabling the conservancy board to constitute sub-districts, and for placing every sub-district so constituted under charge of a committee to be appointed as directed by the Order, and for investing any such committee with any of the powers and duties of the conservancy board under this Act, and for differential rating or partial or total exemption from rating (if it appears just) of all or any of the lands in any sub-district or sub-districts." This seemed to imply, as he read it, that it did not follow that any works which were done were to be charged equally on the whole

district. Some portion of the district might be entirely and some partially exempted. Further, on it would be found that a special rate could be assessed on such land as would derive special benefit from the work.

As to subsoil drainage, he was of Mr. BAILEY DENTON'S opinion, as expressed in the Paper, that subsoil drainage did hasten floods and cause floods, where there would have been none had the land remained undrained. He admitted there were many valleys, such as the valley of the Soar, between Leicester and Derby, to which this remark did not apply. But, speaking generally, floods were more frequent than they used to be, and the water unquestionably went down more rapidly than formerly into the valleys, where its flow becomes impeded by mills or such obstructions.

The rate for educational purposes had been likened by the author to the rate proposed to be made under this Act, but he did not think that there was any real similarity. The Education Act he looked upon as a doubtful blessing to farmers, for he did not know where the agricultural labourer of the next generation was to come from, but this Act would be an actual and positive benefit not only in the present but in the future.

Mr. R. B. GRANTHAM (Associate of Council) said that, as he had had some experience in the working of a former Act, he should be glad to say a few words upon the Bill under discussion.

He quite agreed with Mr. POWELL that twenty or more owners, or twenty or more owners or occupiers, was a very small number of persons to form boards to deal with the large districts which would probably come under the jurisdiction of the Act, and he believed would prove to be insufficient.

There had been a great deal of discussion as to the

division of lands into lowlands, midlands, and uplands. As an inspector under "The Land Drainage Act, 1861," he had for several years past had that very question under his special attention. When lowlands were flooded, midlands also suffered to a great extent, and it was to relieve them that he proposed that the levels of the drainage works on the lowlands should be generally 5 feet above the highest floods of the country. This was now established in the Upper Thames Valley drainage district above and below Oxford, in the survey made by the Ordnance Survey for that work, and was found to be of very great use. He never contemplated going so high as what were called "uplands," be they high or not, and he very much doubted whether it would be altogether practicable, and whether it would be a benefit to the country or fair that the uplands should be taxed. If the provisions of the Bill were confined to lowlands and midlands, he did not think there would be much difficulty in carrying it out. There was a certain level, regulated by the contours and the geological formation of the country, or by some other means, that would determine what should be the highest boundary of the midlands; but as to uplands, he thought there was considerable difficulty in defining their limits. In some uplands there were places which ought to be included within the limits of a drainage district, and be chargeable; but such cases might be left to the discretion of the inspector, to deal with locally, acting on the best information he could get in the neighbourhood.

As to pipe drainage, he was aware that Mr. RAWLINSON, who was examined by the same Committee of the Lords as he had been, in 1877, had said that the floods were not in any way due to pipe drainage, but he overlooked, he thought, what he had found frequently to be the case, that, although there was not water enough from underground drainage to flood lands to any extent, the improve-

ment of field ditches and drains, and other ways of bringing water down from the uplands, had increased the volume of water passing into the rivers to an injurious amount.

He had had considerable experience, and had to value as well as to settle the rating according to the benefit conferred by drainage, and he thought the Irish system would be the best if applicable to this country—namely, to have the land valued, under authority, before any drainage works were commenced, and two or three years after the works were completed, or had been in operation and the effects seen, to have it valued again, the difference due to the improvement being taken as the rateable value for the purposes of taxation. That was certainly a very equitable way, and one which he should have been glad to see carried out in this country.

He was not in favour of adopting the poor law valuation as the basis of taxation. There was nothing akin between the two objects. In Somersetshire, where he inclosed some 20,000 acres, they dropped in certain places the poor law valuation, assessing the lands according to the benefit conferred, a principle established by the Act of 23rd Henry VIII., and a very just and reasonable one from any point of view.

One of the main causes of floods was the condition of the river beds. Take, for example, the River Ouse, which he had lately inspected on behalf of the Government, and which had become nearly impassable for boats in consequence of the withdrawal of navigation. The floods were thus prevented from getting away, and not only had the bottom risen by the deposit of mud and the decay of weeds, but the rise in the bed had the further effect of diminishing the scour necessary for keeping the channel clear. So much had the mischief increased that, in parts which he had lately inspected in Cambridgeshire, the old banks, which

were evidently sufficient when the bed was deep enough to confine the river within them, were now entirely submerged by floods. The water covered immense districts of land on either side, and it would be excessively difficult to get rid of it without dealing with the river itself by deepening it, embanking it, and keeping it clear. This, in fact, should be the action of the boards, or all the money expended by them would be thrown away.

Another important matter in this Bill, which was also in the Land Drainage Act, was the *ratione tenuræ* (or mending and keeping in repair of river banks), as the system was designated. In Somersetshire, he had had great experience of this kind in the cases of one or two tidal rivers enclosed by seabanks. The occupiers were liable for the repair of certain distances along these banks, the sections varying from 2 yards to 200 yards, and in some cases a foot only,—in fact all sorts of lengths. Those banks were very tender and weak against high seas, but a man that had let his bank go out of repair for three or four feet was as liable as a man who neglected a larger quantity, and was equally liable to the rating. He saw that provisions to meet cases of the kind had been made in this Bill. He had much pleasure in seconding the vote of thanks to Mr. POWELL for his interesting Paper.

Mr. E. P. SQUAREY (Vice-President) begged to express his thanks to Mr. POWELL for introducing this very important subject.

The question of floods was one not so much of abolition as of control. It appeared to him that Mr. POWELL had taken a right view in asserting that there was a continual fertilization of lowlands by means of the finer particles and manurial substances washed down into the valleys by the constant rains, and hence, if floods could

only be controlled for this purpose and prevented at inopportune seasons, all that was aimed at in the Bill before Parliament would be practically achieved. His own experience tended to confirm that of Mr. BAILEY DENTON with reference to the increased volume of water brought down by subsoil drainage.

In the valley of the Rother, in Sussex and Kent, a district situated on the Hastings sand and weald clay, at least 90 per cent. of the upland (excepting woodlands) was subsoil-drained, and it had been found necessary, in consequence of the greater rapidity with which water was discharged from the uplands, to expend at least £15,000 on enlarging the outfalls of the river at Rye. He did not quite agree with Mr. POWELL's illustration of the sponge. Given that land was absolutely saturated with water, and that there was a rainfall on it when in that condition, it was quite clear that all that extra rainfall was at once poured off, or remained in the surface, but if that land were subsoil-drained, the drains were operating largely and concurrently in throwing off that water. If the soil was saturated, the pouring-off of water from the surface, combined with through subsoil-drainage, must tend to rapidly concentrate the volume of water which the natural stream had to carry.

He had lately been dealing with the question of floods in the Thames Valley. He and others were endeavouring to import into the Bill a clause excluding the valley of the Thames from its operation, but with the view of making arrangements with the Thames Conservancy for the better removal of floods, which, in that particular district, had certainly been an unmitigated damage and loss to occupiers and owners. Their conclusions, from the enquiry they had made, led them to believe that the great mischief had arisen, partly from the choking up of the river through the neglect

of navigation ; secondly, and perhaps more largely, through farmers (and ultimately the landowners, when farms had been in hand) neglecting to clear out the natural drains which went into the river, whereby the capacity of the valley to hold its supply of water had been unnaturally reduced ; and, thirdly, from the works in the valley of the Thames in the shape of weirs which had a tendency to raise the level of the river, and by silting up the bed to contract the capacity of the river and diminish the scour necessary for keeping the channel deep and free from mud.

Mr. J. SHAW (Fellow) said this was a subject in which he was very much interested. His friend Mr. WATNEY had alluded in his remarks to the valley of the Soar. He (Mr. SHAW) had not so much to do with the Soar as he had with the Trent and the Derwent and other rivers in that district, although, unfortunately, a large estate which he had purchased some years ago, from a gentleman in the room, had suffered much from the effect of floods ; not from the drainage of uplands, but chiefly owing to the raising of a weir across the Trent, so as to back up the water and keep up the drains some 18 inches higher than they should be.

He did not think the improved subsoil drainage of uplands had anything to do with the disastrous floods of recent years in the valley of the Trent, the Derwent, and other rivers which he might call lowland rivers in that neighbourhood. Damage had been done to the upper districts of Derbyshire and the uplands of North Staffordshire, where there was very little subsoil drainage. He was inclined to agree with Mr. GRANTHAM and Mr. SQUAREY, that, at the present time, the improved drainage took away the water more quickly than formerly on undrained lands ; but he did not think that such improved drainage had much effect in times of very large floods. It had been his duty on various occasions

to examine into and gauge the rivers in his own immediate neighbourhood, and when he came to consider the enormous flow of water which passed down those rivers in the course of a day, the extra water derived from land drainage appeared almost infinitesimal.

Although he was interested largely in lowlands, he was inclined to think that uplands ought not, except in very exceptional circumstances, to be rated for the purposes of this Bill. He had not, until two days ago, had an opportunity of looking at the Bill, nor had he seen the evidence that was given in the House of Lords some time since. He, for one, welcomed the Bill, if it could be put into a practical shape to meet a few objections which he would venture to point out, which were chiefly as to the rating clauses and the distribution of expenses. He agreed, however, with Mr. POWELL, that it would be unfair to give a body of ten landowners and ten occupiers the right of putting the machinery into operation. At the same time, he believed there were owners and occupiers at a distance from river banks who ought to be considered in dealing with this question. He should not, however, quarrel very much with the way in which the machinery was put in motion, provided a good conservancy board, properly constituted, could be secured by means of it. He should like to see a board, not only for putting into operation a Conservancy Bill, but also to include the Rivers Pollution Prevention Act and other Acts of that kind; because, as he ventured to say in that room some few years ago, he believed it was of the utmost importance to have "conservancy boards or other independent authorities to put an Act into operation, not merely by adopting legal proceedings and deciding upon the best practicable and available means where necessary, but also by pointing out what ought to be done, and by advising local authorities how to do it."

He thought that the causes of the fluctuations in the rivers and the floods, during the last few years, were not far to seek. First and foremost, the unprecedented rainfall which had occurred, —such a rainfall, he believed, as, judging from the tables and from personal experience, had not been known for many years; secondly (a matter which had not been mentioned), the great railway works crossing rivers and valleys in all directions, and which seriously conduced towards increasing the floods; thirdly, the great increase of deposit of mud by the sewage from large towns, and neglect of keeping drains open, besides the old mills and weirs, which had always been the cause of great obstruction. Not only had the general rainfall been greater, but more violent than formerly. He could give instances of immense floods in some of the highlands of Derbyshire and North Staffordshire where the rain had come down in such torrents, in something so like a tropical form, that in half an hour whole valleys had been deluged and great damage done.

The character of the valleys and rivers had, he believed, been much changed by the construction of railway bridges and embankments across the country, and their effect should not be overlooked in discussing this question. He spoke with some feeling on this subject because, unfortunately, interests which he represented had suffered from them to a great extent. He had in his recollection a case in the valley of the Trent, where a railway was made some eighteen years ago. It was his duty on that occasion to oppose the railway, because of the limited extent of the water-way they proposed to provide. They had there an old bridge—an old Roman causeway—with an immense water-way, but consisting in part of small arches, and immediately below that bridge was one of the best farms in the county of Derby, and immediately below the farm the railway,

crossing the valley from bank to bank. An eminent engineer of the Midland Railway Company, who was now no more, entered into calculations with him on the subject and gave him, after considerable controversy, an extra 100 feet of water-way. He then thought he had secured enough. He would not now venture to say it was not enough, but the opinion of most persons in the district was that the railway had been the main cause of the floods in that valley and on that farm during the last few years. The land had been very seriously injured, and the rent had been considerably reduced, besides large returns otherwise made to the tenant, during the last few years.

Many people failed to realize the enormous quantities of water which passed down the rivers in times of high floods. On the occasion referred to, it was estimated that at the old bridge 1,292 millions cubic feet of water passed in 24 hours, or, in round numbers, something like 8,000 millions of gallons. The material test was the discharge of water in the time of great floods. That led him to another point—as to the mills and weirs. At the old bridge referred to there was a fall of four feet per mile for a distance of about 60 chains; then in 73 chains a fall of one foot per mile; and then for 140 chains, where was an old water-mill and weir, a fall of five inches to the mile. He adduced these figures to show the effect which these different falls must have on the discharge of water, in addition to the other matters he had mentioned, in that locality.

As to the increase of population in large towns on banks of rivers, this was a matter familiar, no doubt, to many in the room. He was sorry to say the River Trent received the sewage of the town of Burton, something like six million gallons daily, and the effect upon the banks, and the

deposit in the river was most serious. It so happened that the town of Burton-on-Trent had obtained powers, and was now about to take 450 acres of land for sewage purposes, so that, ultimately, he hoped there might be some alteration there. He might also instance his own town, Derby, with the sewage of 80,000 inhabitants going straight into the river.

He did not agree with Mr. POWELL that floods were advantageous. Imagine what the pasturage of the lands on those river banks would be in the districts he had alluded to. He could instance lands, formerly valuable for feeding purposes, now worth less than half their former value. In many cases the tenants said: "Floods used to be good things for us in winter, but now they leave this nasty stinking stuff and poison our cattle." Not only sheep but cattle also had suffered by grazing those meadows. These were important considerations which should not be lost sight of in dealing with this question.

It was a very serious matter for landowners on the river banks to be called on to do everything necessary in reference to these floods. His own impression was that there were many matters which were really imperial questions, and not local questions to be dealt with locally by landowners in the immediate neighbourhood of river works—for instance, the removal of weirs and mills, the expense of which should be distributed over a large area. He thought also that some power should be given to deal with railways, as after a lapse of time, if a landowner required additional outlets, he must provide them at his own expense. He knew a farm not far from the mouth of the Soar, which, two or three years ago, was entirely covered with water, to the extent of 5 or 6 feet at the riverhead. It ran through the house, and the cattle out of the yard found their way into it, and were foddered off the furniture, the family living up-

stairs. The cause of the flood was simply the want of sufficient outlets, chiefly underneath the railways adjoining. He applied to the railway company, and their answer was, "You can do the work at your own expense. We have done everything we agreed to do." He mentioned these matters to show that the question of the distribution of expense was a most serious one.

As to the rating clauses, his experience of parochial rating was not such as to cause him to consider it fair to adopt it in such a case as this. Suppose it were admitted that the assessment committee rated fairly in its own union, still in the case of large watersheds comprising a large number of districts, and probably different counties, different systems were adopted; and he thought the plan proposed by the Bill would be very unfair. His suggestion would be that the principle of rating should be relegated not to one inspector, as suggested, but to a body of impartial and independent men, to make a fair and proper apportionment, subject in all cases to appeal. He was sure that no general principle could possibly be carried out fairly and justly to all parties.

He considered that the duties of the conservancy board should be (except as to the imperial subjects as he had called them), primarily, to suggest and advise, and, if necessary, order works to be done, without doing them themselves, particularly in cleansing and keeping open the existing drains of the country, which he was sure those who had had experience during the last few years had seen constantly neglected. There were other matters of detail, but the main points were the distribution of expense and the mode of rating, and if as to these, there could be, as he hoped there might be, some alteration so as to meet in some way the views he had suggested, he should welcome any measure in that direction.

Though he did not agree with Mr. POWELL on all

points, he thought the Institution was indebted to him for his Paper.

Sir BALDWIN LEIGHTON, Bart., M.P. (Visitor), said that, as a Member of Parliament, it was a great satisfaction to him to hear the views of practical men from various parts of England on a practical question of this nature.

On looking at the report of the Lords' Committee of 1877, which probably many gentlemen in the room had carefully studied, there were two points which struck him more particularly. First, it appeared to him that most of the evidence taken related to *one* portion (the east) of England, where the rivers traversed a flat country. Now the conditions of rivers in a flat country were essentially different from those characterizing rivers coming from more hilly districts, and they were far more difficult to deal with. In a mountainous country the rivers might rise a foot an hour for twelve or even for twenty-four hours, but they were hardly affected at all by land drainage.

The other point that struck him on reading the evidence was that twenty out of the twenty-seven witnesses were against extending the area of taxation beyond the area of benefit, and he thought that great trouble would ensue if any contrary course were attempted. To be sure, a gentleman of great reputation (Sir JOHN HAWKSHAW, he believed) went for extending the area, but he was almost the only witness who did so; the other six did not touch on the subject.

He agreed with Mr. SQUAREY that what was wanted was a means of controlling and not of abolishing floods. In his part of England it would be madness to attempt the latter, for he had known floods of such a height that if they were really prevented from spreading over the land they would break down all the bridges in the district, but

it was quite possible to lessen them, and this was the most that could be hoped for.

Judging from his own experience, and from what he had heard, he did not think that, in his part of the country at any rate, the subsoil drainage had caused the floods, but he could indicate some causes which had very materially contributed to them, and which had not, apparently, occurred to the framers of the Bill. First, mills, weirs, and navigation works; also the embankments of riparian owners, put up for protection; but what increased the floods a great deal more than agricultural drainage, was the drainage of the towns on the banks, which came off the roofs and from the sewers into the rivers in large volume, especially when charged with sewage. This sewage, after being carried down the river a mile or two, was tolerably sure to be arrested by some mill or weir or navigation works, and formed, in the course of years, a serious obstruction to the flow of water.

These navigation works, however, existed by statute in many rivers, and a statute was wanted to remove them, but the cost was to be thrown on the innocent uplanders. As gentlemen in that room were aware, under the old Sewers Act of Henry VIII., the commissioners could levy a rate for the purposes of the Act, and there were a few instances in his own neighbourhood where for generations a voluntary system of rivers conservancy had been in operation and had worked satisfactorily, the owners agreeing to pay so much per acre for works and improvements to protect them from floods. The effect of this Bill would be that people who were able to pay, say, 5s. or 10s. per acre, would be able to charge half, or a portion of it, to some other person. Everyone acquainted with the proceedings of boards of the kind contemplated, could foresee the difficulties that would arise. Half of the members would come to represent land that

was flooded and the other half to represent land which was not flooded, and associating with the boards a lot of people who were not properly taxable would lead to interminable arguments, and no satisfactory result would be arrived at. The only way to avoid this would be to have so few uplanders as to constitute a small minority, but that would amount to a great injustice. It was benefit which must govern the matter, and, though there might be some exceptional cases, to meet which powers might be taken in the Bill, the broad principle of the Bill was that benefit and taxation should go together. He was himself the owner of a large quantity of land subject to floods, and it would be a great advantage to him to get rid of the floods, but he would rather do it himself in conjunction with the neighbouring landowners, and it would be much better done than with the aid of the whole country.

He had put an amendment on the Paper, and should endeavour to introduce it into the Bill, to make the sanitary authorities, the authorities for the purposes of the Act, thus distinguishing at once between urban and rural areas, and avoiding the creation of a new authority. He would give those urban and rural boards power to unite for common objects, and empower them to assess only lands and houses that were flooded, for purposes of improvement.

The Bill could thus be simplified, and might be passed without much opposition, and be got to work without much delay.

By making the sanitary authorities the authorities under the Bill, there would be all the advantages of a machinery in full operation, such as obtains in sanitary improvements, with assessment lists already prepared, and an experienced staff of officials accustomed to working in combination.

He ventured to think that the extension of the powers conferred by the 25th of Henry VIII., (the old Sewers Act,)

to the present sanitary authorities, with certain improvements and modifications, was the direction which legislation should take, and he would ask Surveyors to consider this suggestion, and see how it would work in their various localities. He was strongly impressed with the belief that the present Bill would lead to frequent conflicts between the fisheries' and the navigation authorities, and even the sanitary authorities; whereas the sanitary authority, being a local authority, would probably work well with both, particularly if representatives of these authorities were upon the board. Some plan of this kind would simplify matters and obviate too sweeping a change.

Mr. J. WILLIS BUND (Visitor) said he should like to to make one or two observations on the Bill, because he looked at it from a different point of view, perhaps, from those of other gentlemen in the room. He was a navigation commissioner and also chairman of a fishery board, and from both standpoints, he regarded the Bill as an unmixed evil, though he confessed, looking at it as a barrister, he thought it was an admirable Bill, and that scores of arbitrations would arise out of it! It seemed to him that the principle with which it started was a mistake. He spoke in the presence of many persons who knew more about the matter than he did, but he thought he was entitled to say that at present it was not shown that subsoil drainage was the cause of floods. He asked the gentlemen of experience present in that Hall whether they could honestly say that a large part of the drainage that had been done worked satisfactorily? But assuming it did work satisfactorily, could it be really regarded as the cause of the floods?

A good deal about this had been said in the course of the discussion, but he thought that anybody who had given

attention to the evidence before the Lords' Committee must come to the conclusion that one side only was heard, and that, if it had been known that a Bill would be based on that evidence, a great deal of evidence would have been forthcoming on the other side ; and he thought the country was entitled to enquire into the matter, before a mistake was made and a Bill passed on an erroneous footing. The Bill, he thought, began at the wrong end. It should have begun at the outfalls, and not at the uplands. It was the outfalls that wanted clearing, for they it was that were causing these floods to a great extent. He objected to this Bill strongly on that ground, for, put it in any way they liked, it was in effect a Bill which would allow the lower occupiers to spend the money of the upland owners. That was really what it came to. He did not wish to use a hard word, but it seemed to him a most dishonest Bill, because it put the benefit on the one hand and the spending on the other.

He was one of those who thought that the Bill should be a landlords' Bill. The matter should be left to owners altogether, and if improvements were effected by the Bill, the question of spending money was a question which landlords ought to have the control of and pay for. He rather ventured, if he might say so—and he had paid great attention to the matter,—to disagree with the idea that there were more floods than formerly. That there were higher floods, he denied. If a fisherman were questioned on the point, he would say, "Oh, it is the highest flood since the time of Noah !" He had heard that said year after year ; but he did not think the average height of floods varied at all, though there might be higher floods and lower floods than in former times, and those persons who maintained that the average had risen had to prove their case.

As a navigation commissioner he felt rather tender on

the matter. He was now speaking of the Severn. The damage done was not from the weirs, but by the steamers, which kept washing away the banks, and, as had been pointed out by Mr. SHAW, silting up the river. The banks were falling in and pushing up the bed of the river, and the scour from the river was not so great as before, and that he believed was the evil that the navigation had done in the Severn. He understood Mr. WATNEY to say that this Bill did not propose that all lands should be taxed, but, after reading Section 19, they would be able to judge for themselves whether that was the case. It was the Duke of SOMERSET, he thought, who said last year that the Bill was to give a Local Government Board power to tax every acre in England, observing that "All land is in one watershed or another," it was very difficult to say that any land was not in some watershed, and if the boards were made coterminus with the watersheds, and paid by the owners and occupiers, it really came to this, that either the owners or occupiers of land throughout England had to pay the expense. He thought the Bill ought to be looked at with great jealousy by every ratepayer and owner of land, as, rightly or wrongly, it was a Bill giving an unlimited power of taxation.

He would give an example of the enormous sums which would be required to carry out what was contemplated—the case of navigation works. In the Severn those works were erected at a cost of some £450,000 altogether, and he appealed to the practical experience of gentlemen in the room, whether, if they went to compulsory arbitration, they would not be justified in asking three-quarters of a million of money, and whether there was not a chance that they would get something like that amount? Who was to pay it? The amount was to be spread over the whole district, irrespective of benefit, and there were 50 miles of river

above the highest of those weirs which would not be benefitted in the smallest degree by the removal of the weirs. Therefore, he said the principle of the Bill was altogether wrong.

The Land Drainage Act had been referred to. He had only had one experience of land drainage, and that was not a favourable one, for it was a most expensive proceeding, and the rates came one after the other until they seemed to amount to more than the land was worth. But what he wished to point out was that an inspector was to be called upon to go down into a district and say off-hand what were uplands, what lowlands, and what midlands. He was speaking in the presence of inspectors, and he knew they were supposed to be omniscient, but he thought they required something more than omniscience to enable them to say once for all into which of these categories the lands were to be put without power of alteration.

He believed it would be a great injustice to the ratepayers of the country if the Bill passed into law in its present form. There was fighting and litigation enough, but if a board came into a district with such enormous spending powers, it would be far worse than floods !

Mr. POWELL asked leave to reply to a few of the observations of previous speakers, as it was possible he might not be able to be present at the next Meeting ; but, first of all he must express his thanks to the Members for the kind way in which his Paper had been received.

One thing to which he wished to draw attention, as to which there seemed to be some misconception, was the increased volume of water caused by drainage. He was quite aware that, in ordinary times, with an ordinary rainfall, a larger amount of water passed out through the drains than would have passed off the land if it had not been drained ;

but, as was ably indicated by Mr. RAWLINSON, the land must be saturated with water to cause a flood which did injury. He said, "You must have water falling upon water." He thought that all would agree that land drainage caused water to flow off more rapidly than formerly, but it was caused much more by the straightening of watercourses which had been effected in so many river beds, than by mere subsoil drainage.

One speaker had alluded to the question of rivers' pollution, and he agreed with him in thinking that it should be combined with the Conservancy Bill. In the district where he resided, there were a great many lead mines, and they had so polluted the waters of the Severn, that for miles there were no fish at all in it. The Act passed to prevent the pollution of rivers was inoperative, because there was no one to put it in force. He had been rather misunderstood on another question—as to floods being advantageous to farmers. He did not mean that they were so at all times. What he intended to convey was that few farmers would wish the floods altogether excluded. They would be glad enough to have them in the winter, but there were very few, he thought, who would not rather be without them in the summer season.

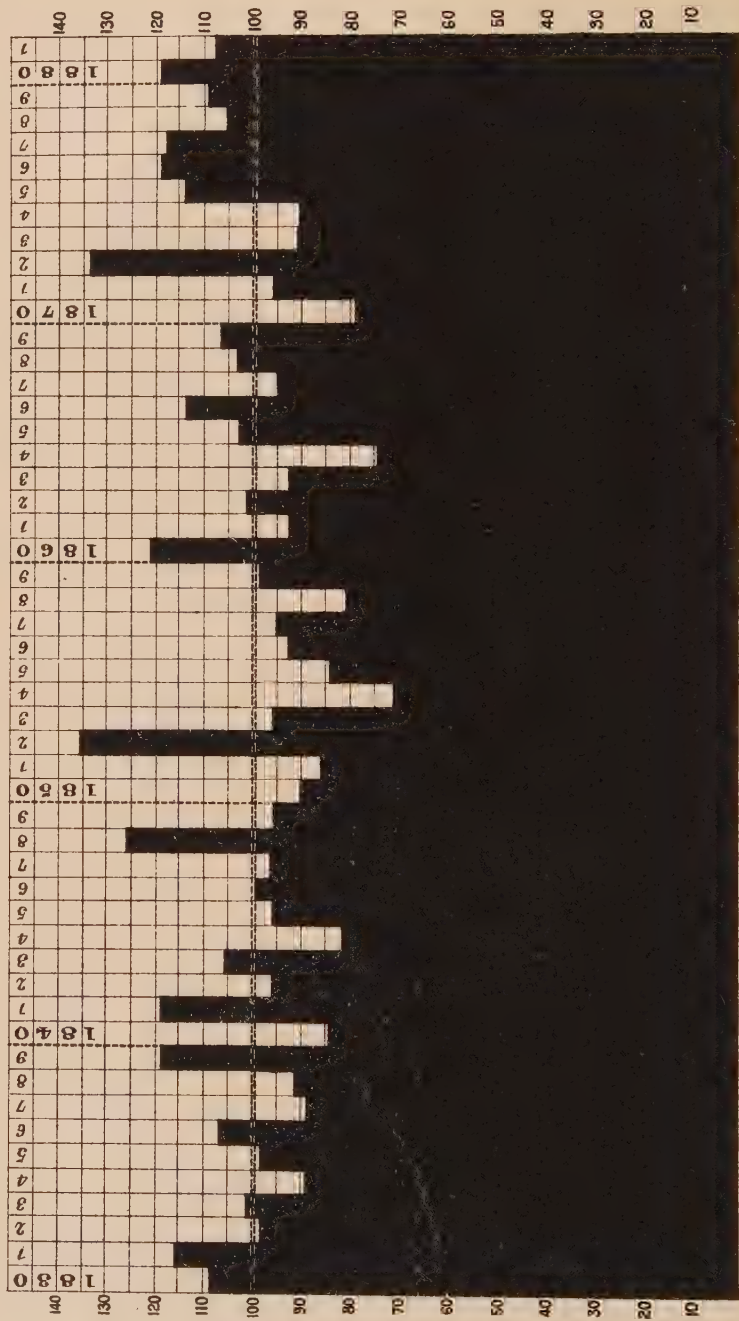
There were one or two other matters to which he should like to have referred; and, if he could be present on the next occasion, he should be glad to have an opportunity of doing so.

The vote of thanks having been put and carried unanimously, the discussion was adjourned to the next Meeting, on the motion of Mr. R. W. P. BIRCH (Associate).

FLUCTUATION OF RAINFALL OVER ENGLAND. 1830-1881.

To illustrate the remarks of Mr G.J. Symons, F.R.S.

pt XII. Vol. XIV.



AT
THE ORDINARY GENERAL MEETING,
Held on Monday, May 22nd, 1882.

THE PRESIDENT IN THE CHAIR.

The adjourned discussion on the Paper on the "Rivers Conservancy and Floods Prevention Bill," by Mr. EVAN POWELL (Fellow), was resumed by—

Mr. R. W. PEREGRINE BIRCH (Associate), who said that he agreed with almost every word of Mr. POWELL's Paper, but proposed to make a few remarks on the discussion which had taken place, and on the Bill itself.

He thought that Mr. WATNEY had spoken rather savagely about the mills—contending that mills were the great cause of mischief, and that provision ought to be made in the Bill for their purchase or removal. He (Mr. BIRCH) thought that much less mischief was done by mills than was commonly supposed, and even what mischief was done might in a large measure be obviated without doing away with them. It was true, no doubt, that the water was headed up in summer-time 5, 6, 8, or even 10 feet for the purposes of the mills, but in winter the weir was very often what was called *drowned*—i.e., the fall at the weir was less than the thickness of the water passing over it; and in such cases [*as Mr. Birch explained by a diagram*], the heading up, due to the mill or weir in flood times, might be neutralized almost entirely without removing the weir, by simply lengthening it, or doing

as the Thames Conservators were now doing, putting up doors in the weirs. But he knew, from experience in the Thames, that even without an extraordinary high flood one might row up a weir from the lower to the upper reach, and when that was the case there could be but a very few inches fall in the weir, and those few inches were the outside measure of all the mischief done by it. He thought, therefore, that people who expected to get over the troubles of flooding by doing away with mills would be disappointed. It was hardly fair, he thought, to make indefinite or vague charges with reference to mills, because the damage they caused might always be measured to a nicety by anybody who would take the trouble to record the exact flood levels immediately above and below them. Indeed, the collection of such records with respect to all the mills in the country, if some one could be induced to undertake it, would be a very interesting work, and would afford a means of ascertaining the exact extent of the alleged mischief done by them. Mr. WATNEY had also said that he agreed with Mr. BAILEY DENTON that subsoil drainage caused floods. He (Mr. BIRCH) did not believe that there was any evidence on record that the floods of the last few years were higher than the floods of the early part of this century. He begged to hand in a table showing the floods in the Thames from the year 1821 to the year 1875 :—

Ft.	Ins.	Ft.	Ins.	Ft.	Ins.
1821—7	0	1823—6	9	1824—5	9
1828—5	8	1831—5	0	1841—5	7
1848—4	10	1851—3	0	1852—6	0
1854—3	6	1856—2	9	1859—3	0
1860—3	10	1861—3	11	1862—3	11
1866—4	3	1867—4	4	1868—3	4 (twice)
1869—4	0	1872—4	0	1875—5	8 (twice)
1876—4	8	1877—5	9		

It was stated, at the commencement of the discussion, that the Severn had not suffered from subsoil drainage, and he supposed the Thames and the Severn together might be taken as a fair criterion of the rivers of the whole country. The flood of 1877—the biggest flood during the last six or seven years in the Thames—was found to be 5 ft. 9 in. above a certain mark at Staines; but it appeared that in 1852 there was a flood three inches higher; in 1824, one of the same height as that of 1877; in 1823, one a foot higher; and in 1821, one 1 ft. 3 in. higher than that of 1877. He thought that those who believed that subsoil drainage was really the cause of the floods, and that this was Mr. BAILEY DENTON's view on this point, had made rather more of his opinion than Mr. BAILEY DENTON had himself. He did not think that Mr. BAILEY DENTON could feel really very strongly upon this point. Indeed, in 1861 he noticed that Mr. BAILEY DENTON predicted that subsoil drainage would not increase floods. He found in a Paper read by that gentleman before the Institution of Civil Engineers, in 1861, the following passage:—"So that, "supposing the land to be drained 4 feet deep, and the "surface to be cultivated 10 inches deep, the clear capacity "for the reception of rain would be $5\frac{1}{2}$ inches vertical depth. "Fortunate would be the owners of land, and the inhabitants "of valleys, if this condition generally existed; for sudden "rainfalls would then be stored in the land, and be afterwards discharged gradually, so that surface freshets would "be almost unheard of." Mr. BAILEY DENTON's opinion in 1861 appeared to him a very sound one; and he thought that if, rather than waver when some years later the general opinion seemed to be against him, he had looked back at the flood records of the last 60 years, he would have found in all recorded evidence reason for standing by, rather than for losing faith in, the view he so well expressed in 1861.

Then, Mr. WATNEY did not seem inclined to be responsible for the statement that floods were really higher recently than they had been; but he said they were more frequent than they used to be. Now, it was impossible that the greater frequency of floods could be due to any other cause than the more frequent recurrence of wet weather; for, were it so, the mysterious cause, whatever it be, would have to account for moderate rainfall producing as great results as excessive rainfall, without being entitled to credit for modifying, on the other hand, the effect of the greater rainfall, which would of course be absurd.

It had been said by Mr. SQUAREY, by way of proof that the quantity of water in the rivers had increased, that it was found necessary to expend £15,000 at the mouth of the Rother, at Rye, in consequence of the greater rapidity with which water was discharged from the uplands. That was contrary to the experience of engineers who had to keep the mouths of rivers clear. He thought the works Mr. SQUAREY referred to were due to some influence of wind or tide, or some other external influence, or possibly to the greater requirements of the trade of the town.

A charge was made by Mr. SHAW which, it seemed to him (Mr. BIRCH), some engineer ought to answer. He said that the railway works and bridges crossing rivers had increased floods. Whether a railway bridge headed up the water and flooded the land was not a question of opinion at all; it was one of fact that could be decided in a moment at any period of high floods. If anybody thought their land was flooded by a railway crossing, let them take the level of the water above the bridge and below it, and see what the fall at the bridge was. Suppose it to be 2 inches or 3 inches, while the people above were flooded by feet; it would, in that

case, be obvious that the whole of the flood was not due to the bridge. If, on the other hand, there was a tremendous fall of a foot or two, and the ground floors of the houses were flooded, as described by Mr. SHAW, then, for the sake both of the railway company and the public, the railway works had better be altered ; but he did not think it was fair to make general and indefinite charges of the kind when the companies' share of the responsibility could be so easily proved and brought home to them.

He was much interested by a letter he read in "The Times," three or four years ago, from Mr. WOOLLY DODD, chairman of the Eton Local Board, who had been a careful observer with reference to these matters. He mentioned that the floods at Eton and Windsor were not higher than they used to be, and went on to say that the fact of people taking floods to heart so much now was due to a combination of circumstances. Railways were, naturally, brought through the lower and cheaper parts of towns ; and the stations were made on land that was not previously considered building land ; people immediately erecting rows of houses, if the season happened to be dry, on the low land which was only considered as meadow land before. Then when floods came in the ordinary course a few years afterwards, and the poor people were driven out, there was a great outcry. Again one heard more of the sufferings of people now than formerly, owing to the greater reading, writing, and travelling facilities which the public now enjoyed. He thought that Mr. WOOLLY DODD's letter explained a great deal, and showed the reason why more was heard about the floods of 1875 than about those of 1821 and other earlier periods.

Turning to the Bill itself, he thought that sanitary authorities would be quite as desirous as agriculturalists to

put this Act in force. A local board having thirty or forty acres of flooded town land would be more interested, he believed, in stopping floods, and would be able to pay more money for doing so, than a number of farmers who were only interested in meadow land, or mere ploughed land which ought to be meadow; and he thought that every sanitary authority, whether a corporation or an urban or rural sanitary authority, ought to have the powers of this Act given to them. At present a sanitary authority might make drains and sewers to carry away sewage; but any underground pipe which they laid might, at the option of any householder, be used as a sewer; and he thought some addition might be made to this or some similar Bill which should give sanitary authorities the necessary powers. He considered Section 6 of this Bill mischievous, for it gave power to the Local Government Board to make a district as applied for, or to make it larger or smaller than applied for. It was all very well to give the promoters of any Bill less than they asked for, but it was very mischievous to give them larger powers than they sought. Everybody familiar with private Bill practice would know that promoters must specify in their notice, at least all that they intended to do, so as to give everybody who could be affected an opportunity of opposing; but he thought it would be very mischievous indeed that twenty landowners should be in a position to ask the Local Government Board to form a flood district, say, of 5,000 acres, and lead the Board to give notice, as they would be bound to do, to the owners of those 5,000 acres only; and when the enquiry took place, to find that the district had been increased to 7,000 acres, without the owners of the additional 2,000 acres having had an opportunity of opposing and of stating their views.

He supposed that the object of the Bill was, in a large

measure, economy, and that its framers thought that by making it a Bill to form a district instead of one to carry out definite works they would avoid opposition; but he feared this expectation would be disappointed. Wherever there were large interests affected there would be expensive counsel engaged and numerous witnesses, and the promoters would not get off much cheaper than they would have by going for a private Act of Parliament with a properly-matured scheme. He thought the number of persons who were to put this Act in operation was too small. Instead of any fixed number of tenants or owners as applicants for a Provisional Order, there should be a certain proportion of the people affected who should be bound to apply. He was quite sure that all who were not made promoters in the first place would be opponents. People would oppose, not for the sake of killing the scheme, but to secure their own exclusion, or in order to make terms.

Mr. T. CECIL SMITH-WOOLLEY (Fellow) said that, whatever the objections to the details of the Bill, and however much concurrence there might be with the rather sweeping criticisms passed on it by Mr. POWELL, the Members as a body could not but hail with satisfaction an attempt on the part of Parliament to deal with a question which very deeply affected landowners as a class. He noticed that the last speaker made somewhat light of the injuries which the landowners suffered from floods, but he (Mr. SMITH-WOOLLEY) did not think that anyone practically familiar with the facts could doubt that, owing to the increase of floods within the last few years, landowners had really suffered very considerably. He had the misfortune to be connected very closely with the Valley of the Soar; and Mr. WATNEY, who knew it well, would bear him out in saying that the value of land in that district, as compared with its

value ten or twelve years ago, had depreciated something like 50 per cent. Possibly, the floods were not higher, on the whole, than formerly—and, as a fact, the great flood of 1795 was higher than the flood of 1875 in the Trent Valley—but it could not, he thought, be disputed that they had greatly increased in frequency and, on an average, perhaps in height. He was glad, therefore, that Parliament had made some attempt to deal with the question.

He must confess that, before he read the Paper and the resulting discussion, he was in favour of the rating of uplands; but Mr. POWELL and those who had spoken had, to some extent, converted him. He was now inclined to think that two rating areas would be preferable to the three contemplated in the Bill—one comprising all the lands directly benefitted, and another those lands which were injuriously affected to an appreciable extent by the flooding of the lower lands. He was assuming, of course, that he was right in inferring that the promoters of the Bill intended to include all the land of a watershed in the rateable area.

Exception had been taken to the adoption of the poor-law assessment as the basis of rating for this purpose, and it was, in theory, most objectionable; but, having in view the large areas which would have to be dealt with for conservancy purposes, he questioned very much whether anything else would answer equally well. It might, possibly, work unjustly in individual cases, but, on the whole, he questioned whether it would not be better than a special valuation for the purposes of the Act. The Bill had many defects of various kinds; but this particular defect might be dealt with as a matter of detail, and need not be regarded as fatal to the Bill, and thus retard legislation which all who had experience of floods knew to be urgently needed. He feared that, if there came, before any attempt was made

to deal with this question, a cycle of dry seasons, people would soon forget all about the wet seasons, and then the chance of getting anything done would be lost.

He did not quite see how the conservancy of rivers with small flood areas was to be dealt with otherwise than by rating the upland owners or, as suggested by Mr. SHAW, by putting on the Imperial Exchequer the cost of certain of the works. Take, for instance, the Valley of the Soar, which was hardly more than a mile in width in many places, and the area which would come within the definition of land directly benefitted did not, probably, exceed 24,000 acres. According to a Report which he, amongst others, was instrumental in obtaining as to the best way of dealing with floods in that district, the cost of the necessary works would be not less than £236,000; and how an area of 24,000 acres was to meet such an outlay, except by rating the uplands, or by getting help in some way from the Imperial Exchequer, he was at a loss to determine. He hoped this discussion would be instrumental in inducing the Legislature to proceed by way of amendment, but he trusted most sincerely that nothing said in that room or elsewhere would tend to destroy the measure as a whole.

Mr. J. CLUTTON (Past President) said that Mr. WOOLLEY had expressed much that he himself felt as to the necessity for legislation for the prevention of floods. He should be sorry to see the Session go by without the passing of some general measure of this kind for dealing with the drainage of the low-lying districts; and Mr. POWELL and the gentleman who spoke after him seemed to share this hope.

He did not understand from the Bill that it was compulsory that the whole of the uplands in a watershed should be subject to rates, for he observed that provision might also be made by a "draft Provisional Order for constituting, o

“ for enabling the conservancy board to constitute, sub-districts, and for placing every sub-district so constituted under charge of a committee to be appointed as directed by the Order, and for investing any such committee with any of the powers and duties of a conservancy board under this Act, and for the differential rating, or partial or total exemption from rating (if it appears just), of all or any of the lands in any such sub-district or sub-districts,” and also “ for the partial or total exemption from rating of any lands in the district by reason of efficient works for the protection of such lands from floods having been already executed.”

He did not understand that chalk downs, or other districts which did not in any way contribute to the flooding of the valleys would not be excepted, supposing the Bill were passed in its present form. It was only the lands which actually contributed to the floods which were liable, and he did not see why the latter lands should not contribute towards the drainage of the valleys. To take his own case, as an example. He lived in a part of London high above the level of the river, and would not be in any respect damaged or benefitted by a main sewer constructed close to the Thames for taking the drainage out of it, but he was as much rated in Paddington, Highgate, and Hampstead, and justly so, for that outfall drain, as people who lived on the banks of the river, for he contributed to its contents. For the same reason, it appeared to him that people who contributed to the excessive flow of water into the rivers should also contribute towards the expense of improving them. The cases were not perhaps quite analogous, but they bore on each other to some extent.

It was not in the power of man to decide whether the floods were greater or less than formerly, because the rainfall varied so much in each year; but it was a known fact that uplands that were properly drained got rid of their

water much more quickly than formerly. He distinctly remembered when, as a young man, he was in the habit of going out snipe shooting, that the water used to lie on the arable and grass land for days and weeks together. It was very different nowadays. And if, as he believed, the water was got rid of by being poured in a much larger quantity in a given space of time into the rivers, some proportion of the cost incurred in dealing with it should be borne by the uplands, from which in part it came—what proportion it was for Parliament to determine.

Exception had been taken to the number of owners or occupiers required to put the Act in motion, and one speaker had suggested a large proportion of landowners in lieu of the limited number proposed by the Bill. His own view was that they might as well have no Act at all. Questions as to the proportion were wholly beside the mark. Somebody must set things going, and the smaller the number of persons required for the purpose the better. It must be remembered that they were mere promoters, their functions being limited to putting the Local Government Board in motion; and he hoped that the Board would be frequently set in motion for a purpose so necessary as mitigating the present disastrous consequences of floods.

He was afraid that there was one provision of the Bill which, if unamended, would tend to stop all operations—the clause which required the giving of security; for the ten or twenty men who set the matter going might be put to immense expense before the Provisional Order was obtained. No Government would, probably, consent to bear any proportion of the cost of works, as suggested by Mr. SHAW; but he thought they might fairly be asked to pay the expenses of the preliminary enquiry.

Of course, everybody must feel that the upland question was the question on which this Bill would stand or fall.

He confessed he hoped the Bill would pass. He quite agreed with what Mr. DODSON had said (page 305), that this was only an enabling Bill, and that it was not obligatory to tax uplands unless it was found just and practicable to do so in the division of a district. He presumed that the persons who would be selected to carry out the operations of this Act, if passed, would be men of such position and standing that they might be trusted to act fairly as between uplands, midlands, and lowlands, and that nothing would be done that was not strictly equitable.

Attention had been called by Mr. WATNEY to the omission of all mention of mills in the Bill, but it was not necessary to specify them, for if weirs and dams were got rid of it did not matter what became of the mills. The operations contemplated in the Bill were so comprehensive that it was evidently intended that no building should be taken that was not required for the works.

He thought with Mr. SMITH-WOOLLEY that there would be great difficulty in the matter of rating. He was of opinion that it should be based on the acreage. Throughout the great fen districts the contribution was by the acre; it was not a question of value at all, and he thought that this principle should be adopted alike for lowlands and uplands. He did not see why a farm letting for 40s. an acre, and needing improvement in drainage as much as one letting at 20s. an acre, should not pay an equal rate. It was not a question of value, but one of relieving so much land from water.

He agreed with Mr. SHAW that what the Act meant was that "the duties of the conservancy board should be" (except as to the imperial subjects as he had called them), "primarily, to suggest and devise, and give necessary orders" for works to be done, without doing them themselves, particularly in cleansing and keeping open the existing drains

“ of the country, which he was sure those who had had “ experience during the last few years had seen constantly neglected.” Of course, he (Mr. CLUTTON) drew a great distinction between such rivers as the Thames and Severn, which required exceptional legislation, and the small rivers which affected the great bulk of the flood district of the country. This Bill, if passed, would greatly increase the value of those districts. A gentleman present (Mr. COUCHMAN), who knew the valley of the Ouse well, was perfectly aware of the fact that the value of the land in that valley had been deteriorated within the last ten years nearly 50 per cent., simply because no one had the power to control his neighbour, or to do anything to relieve his own land, except with the co-operation of adjoining owners, and what was wanted was some means by which a negligent owner should be compelled to do that which he now refused to do.

He did not quite agree with Mr. WILLIS BUND, that “ the Bill began at the wrong end—at the uplands instead of at the outfalls.” He (Mr. CLUTTON) saw nothing in the Bill to prevent the operations from beginning at the outfalls. Much might be said about the details of the Bill, but the object of the discussion was rather to arrive at some decision as to the principle of the measure, and whether a Bill of this sort, as a whole, should pass or not.

Mr. J. L. PATTISSON (Fellow) said his only claim to add a word was from having been lately associated with Mr. SQUAREY in the consideration of the question of the Thames floods, and perhaps one little fact that had been brought out within the last few days might throw some light on the point under discussion. He thought it was often forgotten that just as the strength of a rope was the strength of its weakest part, so the discharging power of a river was

determined by its narrowest part. The reason of floods, in fact, was from the river being unable to discharge naturally the volume of water led to it. Now, a property with which he was connected in the Henley district suffered considerably from the Thames floods, and application was, in consequence, made to the Thames Conservancy for a return of the daily height of the river during flood time above the normal or, as it is termed, "head water" level, both at Hambledon lock, which is on the property in question, and at Marsh lock, the next immediately above, and Hurley, the next below. The height of the water is recorded twice daily at all the locks, and the conservators kindly furnished the return for some years back. The figures showed that, while at Marsh and Hurley the height of the water usually bore the same relation to the normal level, at Hambledon—the intermediate lock—it was sometimes a foot to twenty-three inches above both, and the floods at this point lasted longer by two to three days, proving that the discharging power of the weir at Hambledon was not equal to that at Marsh above it, and proving also that here at least the mitigation of the floods was to this extent within remedy.

He hesitated in differing from such an authority as Mr. CLUTTON, but he confessed he thought the uplands should not be rated. This was the principal point of opposition to the Bill, and speaking of the district with which he was acquainted he should be sorry to see the Bill thrown out on that ground, because the annual loss at present was far greater than any rate that even an extravagant board would be likely to levy, though confined to benefitted land. On the other hand, he was not one of those who wished to deny that drained land did bring the water down quicker to the river to some extent.

Nor could he quite agree with Sir BALDWIN LEIGHTON that it would be better for a few individuals to deal locally

with their own district than to form a more comprehensive board. In such rivers as the Thames, he (Mr. PAITISSON) thought it was impossible to deal with the floods piecemeal, because local efforts would be to a great extent useless if the obstructions in the next reach of the river were not equally dealt with. The Thames Valley Drainage Commissioners had spent a large sum of money to no purpose. The same outlay in the hands of some general authority, such as the Thames Conservancy, would have been far more effective.

Mr. C. COUCHMAN (Fellow) said that he had not read the Paper or heard the previous discussion, but he looked with great interest on the Bill, and hoped it would pass.

Mr. G. J. SYMONS, F.R.S. (Visitor), said he had brought with him a diagram, which he thought might be useful.* He had prepared it for publication in "British Rainfall for 1881," and, as would be seen, it showed the rainfall for each year, from 1830 to 1881. It struck him that people were troubled with a short memory in these matters. Not long ago—in 1859, after a period of seven consecutive dry years—it was said that everything was about to be dried up, and water was selling in Lincolnshire for twopence and threepence a pailfull. Thereupon there was to be legislation against droughts. Now there had just occurred seven consecutive wet years, and the cry was for legislation to prevent floods. But he, for one, doubted whether most people quite realized the magnitude of the question. It was proposed to create watershed authorities who would over-ride, he presumed, all existing authorities and legislation on the subject. Mr. POWELL had remarked in his Paper that there were from 2,000 to 3,000 Water Acts, and for many rivers there were 20 or 30 governing bodies. Was it proposed to have

* This diagram will be found opposite page 327.

another body on the top of them, or to supplant them? He hoped the latter. The Bill appeared to be drafted with insufficient consciousness of the magnitude of the question, which was directly associated with that of the water supply to towns, and the further question of how far the injurious effects of floods were intensified by town drainage. He knew districts where floods were formerly regarded as a positive benefit to the land; but now that the water, instead of coming down merely charged with silt from the hills, came down charged with various abominations which poisoned the fields, the case was entirely altered, and, as he had said, involved the consideration of the sewage question as well as the question of floods. Was enough known about the subject to warrant legislation on it at all, and was there anything like positive information as to whether floods were greater or less than they were?

He had been engaged professionally in connection with a large river in the west of England, and the question they had to decide was what was the maximum flood to be provided for? In France and other countries there would be no difficulty in obtaining a record of the heights of the floods for a century back, but in this country it was practically impossible to get more than imperfect data for about ten or twelve floods. In the Valley of the Thames things were a little better, but even there the Conservancy authorities seemed very little alive to the importance of keeping an accurate register. The want of a better map than the obsolete one-inch ordnance map was another hindrance to the progress of proper knowledge of this question, and altogether he was not clear that it was ripe for legislation.

He strongly disapproved of the proposal to throw more work upon the Local Government Board, which had quite enough to do already, and he would much prefer the estab-

lishment of a proper hydraulic department like those of Germany and France.

Prevention of floods was of course out of the question, but their mitigation might be possible under a good system of river conservancy. Anyone who looked at the maps of the country and saw how the rivers wound about, as though expressly designed for wearing down the banks, silting up the stream and diminishing the fall, would see at a glance that one thing wanted was the straightening of the streams. He might call attention to some remarks made by Mr. BATEMAN, in a Paper read before the Social Science Association, which were, he thought, instructive. Mr. BATEMAN said : “ One great source of floods is the existence of water-mills “ and their weirs, and great improvement in many lowlands “ would be effected by their removal. Water-mills, however, “ cannot be lightly touched. They have existed for a long “ time, and they are still valuable, especially in those districts “ in which fuel is dear. It is not, therefore, owing so much to “ their existence, as to the effect which is produced upon the “ beds of the rivers by the construction of weirs or dams, by “ which the fall is rendered available to the various mills “ upon the streams.” Another authority—Major FLOWERS, (Sanitary Engineer of the Lea Conservancy Board)—said : “ Speaking from an experience of ten years of the only entire “ watershed in the kingdom which is under the charge of a “ conservancy board, I can verify the statement that water- “ mills occasion floods, and also droughts of water. I “ strongly advocate the doing away with mills, or having “ them under control.”

Further information as to the extent of floods was urgently needed. He had sought information of the kind in all directions, in some cases with some little success, but there were many instances where no information as to floods could be got, either as to their vertical or lateral extension,

or as to their frequency, and if some way could be devised of obtaining regular systematized records of floods, it would be a great step gained.

Mr. G. G. KENNEDY (Visitor) said that he was very pleased to hear such a general expression of opinion that the Bill should pass, feeling, as he did, that it was a measure of great public utility. The author considered that the lands only which were benefitted by the drainage should contribute; that was the principle adopted in the old Sewers Act of Henry VIII. It was not followed in this case, the framers going upon the principle of contribution; a flood being looked upon as a nuisance, and those who contributed to the nuisance being called upon to pay for its removal. It must also be remembered, as had been pointed out by Mr. SMITH-WOOLLEY, that flood land was not able alone to bear the expense of the necessary work, and that other land should, therefore, contribute to the cost, which, of course, raised the question whether, and in what degree, uplands contributed to the floods. With a view to solving this question, it would be well to look at the evidence given before the House of Lords' Committee on the introduction of this Bill. From that evidence he drew the inference that subsoil drainage, and therefore uplands, had contributed to the nuisance. Mr. RAWLINSON's evidence, to which the author had referred, seemed to him to stand rather alone in this respect. There were other witnesses of eminence whose opinions did not coincide with Mr. RAWLINSON's. Mr. JAMES ABERNETHY, for instance, said that subsoil drainage from the uplands certainly augmented floods; Mr. MILLS, a large landowner in Yorkshire, held the same view; and Sir JOHN HAWKSHAW, in reply to the question whether he agreed with those who held that subsoil drainage did not

augment floods, said: "My general answer to that is that they are mistaken."

He hoped that the injustice of rating the uplanders would be found to be over-estimated; and to show that they were not altogether opposed, he would make one more reference to the Blue Book before he closed his remarks. Mr. E. COOTE, a large landowner on the Ouse, said in his evidence, that although he owned ten times as much land in the uplands as in the lowlands, he would willingly submit to the upland rate. He ventured to express an opinion that it was right and necessary that the uplands should bear their share of the burden, and he believed that the principle would be pretty generally acquiesced in.

He was happy to say this question was treated from the point of view of *Salus populi suprema est lex*, and that was the reason why he wished the Bill to pass.

Mr. J. S. SANDARS (Visitor) said that, as regarded the number of promoters proposed in the Bill under discussion, he might remark that impartial consideration of the evidence given before the House of Lords' Committee in 1877, clearly showed that the Land Drainage Act of 1861 failed mainly in consequence of the cumbrous machinery required for putting the Act in motion. That Act, if he remembered rightly, required the acquiescence of one-tenth of the proprietors of the proposed area to the petition to form a scheme for the consideration of the Inclosure Commissioners, and a dissent of only one-third of the proprietors was sufficient to prevent the incorporation of any district under the Act.

That fact, being pressed upon the attention of the Lords' Committee and the Legislature, probably led them to the conclusion that it would be better to allow a small number

of persons interested to set things going, leaving to subsequent consideration the desirability or not of forming a district. And here he thought the author was in error. He apparently assumed that the inspector could decide the matter offhand, whereas anybody looking at the Bill would find that there were no less than three stages in the petition for the proposed area. The first stage was the inspector's report as to the desirability of forming an area, and the issue of a draft Provisional Order (not a Provisional Order). The draft Provisional Order being drawn, an opportunity of offering objections was afforded, after due notice of the time and place of hearing; and then came the second stage—the drawing up of a Provisional Order—with another opportunity for urging objections, and a still further opportunity when the application for the Provisional Order came before Parliament. There was, therefore, he contended, no disadvantage in a small number of persons being able to promote the Act, seeing the frequent opportunities which were subsequently given of opposing a scheme.

An allusion was made by Mr. GRANTHAM at the last Meeting to the subject of liability *ratione tenuræ*, a system in operation in many parts of the country, and under which the owners along sea walls were obliged to repair the portion abutting on their land. That obligation, which existed under the common law, had been recognized in all Acts on drainage from the time of Henry VIII. downwards, and has been preserved in the various Bills dealing with the subject which had been brought before Parliament. Under the Act of Wm. IV., on a representation that any portion of the wall was out of repair, the authority, whatever it might be, was empowered to do the work, and fine the individual responsible for the neglect. Evidence, however, was given before the Lords' Committee in 1877, which tended to show that the obligation ought to be swept away, on the ground

that it was not desirable to risk the safety of a large quantity of land by leaving the protecting works to the care of persons whose financial position might prevent them from doing, or who might neglect to do, what was necessary ; and power was given under an Act of Parliament to commute the liability, but without much result. Mr. GRANTHAM had cited two instances in which leave was given to commute ; but it was useless to commute the liability for a few yards, and leave other parts subject to the risks of the owners' neglect. One of the blemishes, therefore, of this Bill was, that the recommendation that the obligation should be commuted in all cases, and that an authority under the Act should have compulsory powers, had not been acted on.

There was another point also to be observed, and it was this, that a person who was bound to repair the wall was only liable in respect of that part which had been repaired from time immemorial ; therefore if, in consequence of the action of the sea, or an increased rainfall, it became desirable to add to that particular defence, there was no power to vary the obligation in the slightest. This showed the desirability of giving a conservancy board power to deal with these works as a whole. A case arising out of this interesting subject was about to be argued at Westminster. It was a case in Essex, where the landowner had to pay something like £10,000, in the repair of a sea wall destroyed by an extraordinary high tide during the storm in 1881, when the water swept right over the wall, though it was admitted by the district commissioners to be in complete repair four days before, but was found absolutely incapable of resisting the action of the tide. The whole area was flooded, and the owner now sought to recover the expenses to which he had been put, and, not being in fault, he had a right to claim compensation, and to

have a rate for the amount distributed over the whole level. This, again, showed the desirability of giving one authority complete control over such works.

With reference to the remarks of Professor SYMONS, to the effect that Parliament had proceeded without knowledge of the fact that there were between 2,000 and 3,000 private Acts of Parliament, and that as there were so many conflicting Acts of Parliament, the Legislature should hold its hand, he would call attention to Section 16 of this Bill. The margin was "Provisions respecting Local Acts." It came to this, that on the application of the Local Government Board, and it being represented to them that the Acts in question impeded the action of the conservancy boards, they might, by Provisional Order, alter or repeal such local Acts so far as might be requisite for enabling such boards effectually to execute the purposes of the Act.

He thought that a sufficiently large, and many thought too large, a power to deal with those Acts. So far from Parliament being ignorant of the existence of these local Acts, a glance at the report of 1877 would show that their existence was one of the causes of the present proposed legislation.

Mr. H. A. RIGG (Associate) said that his first objection to the Bill was it proposed to create another authority in this country, which, in his opinion, was already overridden by authorities. He happened to live in a district which would probably be affected by this measure, and he would have the benefit of being rated to the advantage of somebody else. None of the districts in his neighbourhood were conterminous, and he was told that the only way out of the jumble of jurisdictions was by constituting a local board; but he was assured that this would mean increased rates and increased jobbery by irresponsible per-

sons. It was now proposed to put another authority upon them to carry out the purposes of this crude measure,—a term he was justified in applying to it, after the remarks of Professor SYMONS. He presumed that all land in this country was situated in some river basin, and it would not be difficult to find twenty busybodies in any one of them to set the Act in motion.

What he complained of was that it should be put in the power of a small number of busybodies in a large district to set the law in motion, and to pray that any portion of the basin be constituted a conservancy district. According to Mr. SANDARS, there was to be not only one enquiry, but a second Local Government enquiry on the top of that. Then there was a clause in the Bill stipulating that security was to be given for the costs of the Local Government Board, but nothing was said about the costs of those who wished to oppose the granting of a Provisional Order. The Bill also provided that the inspector in his report might suggest an increase in the proposed district. So that, if the busybodies suggested even twenty thousand acres as the proper area, it was open to the inspector to say that it was not large enough, and to add some of the upland to the district; and those opposed to the scheme had no opportunity of objecting on this ground, as they would have no knowledge of any such addition until the inspector made his report.

He would suggest that a much better way of carrying out these objects, than a Local Government enquiry, would be by means of a petition presented to the Local Government Board by a majority of the rateable value in the district proposed to be constituted a conservancy district,—say a majority of two-thirds of the rateable value. Then let an independent investigation be made by an inspector on behalf of the Local Government Board, without the

paraphernalia of a local enquiry. If the powers and resources of the Local Government Board were insufficient, let them be increased by constituting a department of competent inspectors, who would report on what was required, and propound a scheme, which the people in the proposed conservancy district could adopt or not by vote of the majority of rateable value. He thought, that everyone must feel that the Bill, if passed in its present form, would lead to enormous expense to the ratepayers, and cause wide-spread dissatisfaction.

THE PRESIDENT, after explaining that the author of the Paper was unable to be present, as he had hoped to be, on this occasion, proceeded to sum up the discussion. He did not gather, even from Mr. RIGG's observations, that he was opposed to all legislation of this kind. Therefore he thought he might take it that the general result of the discussion had been to show that within the walls of the Institution it was the opinion that a measure of some sort was absolutely required. The opponents of this measure had confined their criticism to its details. It was suggested by Mr. WATNEY that the word "mills" had been left out of the Bill; and he might mention that, in the neighbourhood where the last speaker resided, there was a valley where an effort was being made, at a much greater expense than would be incurred under this Bill, to buy up and get rid of the mills. But Mr. CLUTTON had answered Mr. WATNEY's objection, by pointing out that if the weirs and dams were removed the mills might remain; and the framers of the Bill probably had this fact in mind.

Two points seemed to have acquired prominence in the discussion. First, what were the lands to be benefitted and rated, and secondly, in what manner was the rating to be levied? The lands were divided by the Bill into three

classes, viz., lowlands, midlands, and uplands, and the definitions of these classes were of course thoroughly understood. Which of these lands were going to be benefitted? The lowlands were, certainly. The opinion was not altogether unanimous whether the midlands were to be benefitted; but those who said that the uplands were not benefitted, and ought not to be rated on that ground, were met with the argument that they contributed to the mischief done below, and, therefore, ought to be rated. But taking the sense of the speakers, even on that point, the majority, probably, were in favour of rating the uplands.

Then came the question of how the lands should be rated. It was said by Mr. SHAW that they should be rated according to the benefit that each derived. Others said it should be done after the manner of the Irish valuation, and on the basis of the poor rates; and Mr. CLUTTON had expressed himself in favour of an acreage rate, citing the case of fen lands in Lincolnshire, where he said it worked satisfactorily; but it was probable that the fen lands of Lincolnshire were all equally benefitted.

As regarded the adoption of the poor-law valuation as the basis of rating, it seemed to him that it had escaped the notice of all the speakers that the poor-law valuation did not distinguish the assessments on lowlands, midlands, and uplands. Most farms comprised lands of all these descriptions included in one assessment; therefore, if the poor-law valuation were adopted, a special assessment would still be wanted for the particular lands falling within these three categories.

The question of how much the uplands should contribute, or how much they would be benefitted, turned upon the question whether the drainage of the uplands had increased the floods. Mr. CLUTTON had stated that he did not believe it possible for anyone to say whether floods had been higher

or lower during recent years, but he had drawn a practical inference from the fact that the water was got rid of from the uplands more rapidly than formerly, and argued that it must go somewhere, and that, if it could not pass away readily by the outfall, it must cause a flood on the lowlands. The speakers who contended that the drainage of the uplands increased the floods were Mr. WATNEY, Mr. SQUAREY, Mr. PATTISSON, and Mr. CLUTTON. Mr. BAILEY DENTON's name had also been mentioned as a great authority who agreed with that view. Those who did not clearly understand Mr. DENTON's views on the subject, would find them expressed in a Paper on "The Management of Rivers," read by that gentleman in February 1881, before the Farmers' Club.* The speakers who held that the uplands did not

* The following is an extract from the Paper referred to :—

As the effect of under-drainage is to render land capable of absorbing and discharging water that would otherwise be retained in the soil and on its surface until it is evaporated, there can be no doubt that such proportion of the rainfall as is discharged from the under-drains and finds its way by arterial channels into the valleys, contributes, as I have already said, to the existence of floods. Under ordinary conditions, this discharge would not make any very great difference, but it so happens that after repeated rains those lands that are drained become saturated, and to a certain extent resist infiltration. They will still, nevertheless, by reason of their drained condition, absorb a part of the rainfall, which part presses out from the drained soil into the drains as much as is absorbed. At the same time they will throw off from the surface a large proportion of the rainfall. It is at such conjuncture that floods are quickened and augmented, for the amount of the two discharges—*i.e.*, that which flows out of the drains and that which flows off the surface—certainly surpasses in quantity that which would flow off the surface alone of undrained lands. This may appear doubtful to some, but when it is realized that the existence of under-drains in the subsoil prevents the retention of water in slacks and hollows of the surface for as long a period as would be the case in undrained lands, and that evaporation is therefore cheated of its victim, all doubt must vanish.

The real effects of drainage upon floods are—

First. Up to the time when the rain has filled the ground to the level of the under-drains, all outflow is prevented. During such period, floods are *retarded* instead of quickened. Under ordinary conditions, the under-drains of clay lands cease to flow in May or June, and recommence dis-

increase the floods were Mr. POWELL (who had put forward Mr. RAWLINSON), Mr. WILLIS BUND, Mr. SHAW, Sir BALDWIN LEIGHTON, and Mr. BIRCH.

Both as to the increase and the frequency of floods, it struck him as a little singular that no reference had been made to the effect in producing them, of the length of time during which the water was falling. He had some land in his occupation which had been in his father's occupation 60 years ago, and which was subject to floods, notwithstanding which it had never been flooded at hay time within that 60 years till 1879. Looking at Professor SYMONS's diagram, he did not find any particular indication of an excessive rainfall in that year, which was probably due to the fact that the flood in question was caused by such an extraordinary rainfall in the course of twelve hours that the outfall was insufficient to carry the water away.

He had endeavoured to sum up the results of the discussion, and might state in conclusion that his own view was that there should be a small rate on the uplands, but it would have to be very carefully apportioned, and would require a good deal of consideration as to the mode in which it

charging in or about November. Between these dates, vegetation and evaporation being active, the rain that falls seldom descends 3 feet into the ground. At the same time, the water that had previously descended rises by capillary attraction to take the place of that which is evaporated. The water that had filled up the earth to the level of the drains exists no longer, and all discharge ceases.

Second. As soon as the soil beneath the drains is replenished with water by the descending rain of autumn (September and October), the drains recommence running (November), and from that time to the following spring the rain that descends through the crust of earth between the surface and the drains, is discharged. It is this water, of which a large proportion has been rescued from the atmosphere, which *increases* floods.

Third. After continued rains in winter, the powers of vegetation and evaporation being reduced to a minimum, the ground, as I have before explained, becomes saturated, and then so much of the rain as cannot penetrate the ground flows off the surface into the arterial channels. Under these conditions floods are quickened and augmented.

was to be levied. As to the justice of rating the lowlands and midlands, there was no doubt whatever, but it seemed to him the rating should be adjusted in accordance with the benefit to be derived, and not on any other basis. He feared that the mode of valuation suggested by Mr. GRANTHAM—to have the land valued before the work was carried out and valued again after the work was completed—would cause some disappointment. It must always be remembered that there was room for difference of opinion in the valuation of land, and, if in the first valuation the value of the land was put a little too high, and in the second valuation a little too low, it would produce great dissatisfaction. He believed, however, that there would be no difficulty in finding Surveyors competent to do what was required, if the amount expended in any given district was to be distributed over the lands benefitted in proportion to the benefit derived by each.

The Meeting then adjourned.

THE ANNUAL GENERAL MEETING.

Monday, 5th June, 1882.

EDWARD RYDE (PRESIDENT) IN THE CHAIR.

The Report of the Council on the state of the Institution, and the Statement of Receipts and Expenditure for the year 1881, were read.

RESOLVED—"That the Report of the Council and the Balance Sheet be received and approved, and be printed and circulated with the 'Transactions.'"

RESOLVED—"That the thanks of the Institution be given to Messrs. A. GARRARD and R. VIGERS, for the efficient performance of their duties as Auditors, and that they be requested to continue their services for the ensuing year."

RESOLVED—"That the thanks of the Institution are due and be given to the President, the Vice-Presidents, and the other Members and Associates of Council, for the able manner in which they have administered the affairs of the Institution."

RESOLVED—"That the thanks of the Institution be given to Mr. JOHN WORNHAM PENFOLD (the Hon. Secretary), to Mr. JULIAN C. ROGERS (the Secretary), and other Officers of the Institution, for the able manner in which they have executed their several duties."

A vote of thanks to the President for his conduct in the Chair having been passed unanimously, the Meeting separated.

THE FOURTEENTH ANNUAL REPORT OF THE COUNCIL.

Annual General Meeting, June 5th, 1882.

The Council desire to avail themselves of this opportunity of recording their satisfaction at the success of the application for a Charter of Incorporation, and to congratulate the Members on the consequent improvement in the position and the prospects of the Institution.

The event may be justly regarded as a measure of success in the past, and a promise of extended usefulness for the future.

The acquisition of a Royal Charter stamps the Institution as the accredited representative of the Profession; but it imposes obligations beyond those with which, as a private Society, it was called upon to concern itself.

The Institution, in its new corporate capacity, bears definite and direct relations to the public, and, in view of that fact, is bound to do its utmost to promote the technical skill of its Members, and to exercise a beneficial influence over the practices and usages of the Profession. These, indeed, were among the principal grounds on which corporate privileges were sought and were conceded.

It therefore appeared to the Council that their first and most obvious duty was the introduction of a comprehensive system of Examinations adapted to the various branches of Surveyors' practice. The foundations of such a system were carefully laid several years ago, and the results have been so far most encouraging.

Although it was necessary, for obvious reasons, to defer the compulsory Examinations for somewhat lengthy periods,

it was nevertheless felt that the success of these Examinations could hardly fail to be imperilled by the prolonged postponement contemplated in Clauses 26 and 29 of the Charter. The Council have, therefore, come to the conclusion that it will be well to accelerate the operation of the system by introducing the Examinations in a voluntary form at an early date, and, in order to ensure their success, to offer the younger Members of the Profession some adequate inducement to undergo them.

The Council are of opinion that the best way to secure this end will be to make the voluntary Examinations an alternative avenue of access to the Fellow and Professional Associate Classes--an arrangement which will probably have the further advantage of conducing to the future success of the compulsory Examinations by familiarizing the rising generation of Surveyors with the nature of the tests which will ultimately become the ordinary means of access to the professional classes of Membership.

The By-Laws necessary for giving practical effect to these and other provisions of the Charter have been the subject of anxious and prolonged consideration, and, before being forwarded for confirmation to the Privy Council, will be submitted to the Members, in compliance with the requirements of the Charter.

The Incorporation of the Institution has naturally led to a large addition to the number of Members. The Council have exercised all possible care in dealing with the very numerous applications for admission, but they will be excused for observing that no amount of vigilance on their part can supersede the necessity for the careful exercise by the Members of their constitutional right of veto.

The addition of fresh Members since the date of the last Report is represented by the election of 123 Fellows, 72 Associates, and 19 Students, or 214 of all classes. On

the other hand, 1 Honorary Member, 3 Fellows, and 1 Associate have died during the Session; 5 Students have passed out of the class by effluxion of time, and 1 Fellow and 3 Associates (the former from advanced age) have resigned their Membership, leaving a net increase of 200 of all classes to the list during the Session.

The Institution now numbers 12 Honorary Members, 468 Fellows, 235 Associates, and 27 Students. It may be stated that the class of Associates will shortly be subdivided, by classing the surveyor-Associates under the head of Professional Associates, those who have passed into the class by examination being specially distinguished in the list.

The Council record with very great regret the death of the Hon. J. K. HOWARD, one of the Commissioners of Her Majesty's Woods and Forests, who, as an Honorary Member of the Institution, has on several occasions aided in promoting its interests. By the death of Mr. J. COLLIER and Mr. J. DENT (Fellows), the Profession has lost two esteemed Members. Notices of deceased Members will be found in the Obituary.

The Student class promises, as was expected, to be the principal source from which the classes of Members will be recruited. For the Preliminary Examination, held in January of the present year, 30 candidates (as compared with 11 on the previous occasion) sent in their names, which were placed on the list after enquiry into the antecedents of the applicants. Twenty-nine of these (1 candidate being incapacitated by illness) presented themselves for Examination, and 17, who were reported as having satisfied the Examiners, were enrolled as Students, together with 2 other candidates who had passed the Matriculation Examination of one of the Universities. It may be mentioned that, though the standard of the Examination was slightly higher

than that of last year, the majority of the successful candidates acquitted themselves with considerable credit.

It is hoped that at no very distant time it may be possible to increase the general facilities for study, by providing, for the use of Students, a special Library containing copies of all the text-books enumerated in the Examination Rules.

Turning to the financial position of the Institution, it will be observed that the Accounts were balanced at the date of the Charter, the proportion of the year's Receipts and Expenditure referable to the Institution of Surveyors, being distinguished from that of the four months from the date of Incorporation to the end of the year.

The Estate handed over by the Trustees of the Institution of Surveyors to the newly incorporated Surveyors' Institution was estimated at £10,877 9s. 5d., made up as follows:—

	£	s.	d.
Cash Balances . . .	1,369	15	1
Investments . . .	675	10	0
Value of Furniture and Books	2,466	17	4
Value of Premises . .	6,000	0	0
Subscriptions, &c., due .	365	7	0
	£10,877	9	5

It will be seen that the total income of the past year was about equal to the income for the year 1880, notwithstanding a considerable decline in the amount received for "hire of rooms"—a source of revenue necessarily fluctuating and entirely extraneous to income proper. The decline under this head is, however, compensated for by the subscriptions of new Members. The sum of £600, out of available

RECEIPTS.			EXPENDITURE.		
	£	s. d.		£	s. d.
Total Revenue . .	406	0 2	Total Payments out		
Revenue Balance in			Revenue — Current		
hand, August 26th,			Expenses	659	3 8
1881	1,014	10 8	Costs and Charges in		
Entrance Fees and			connection with		
Interest carried to			Charter	263	3 0
Capital Account .	207	12 3	Transferred to Capital	315	0 0
Transferred from			Revenue Balance in		
Revenue	315	0 0	hand, December		
Capital Balance in			31st, 1881	183	4 2
hand, August 26th,			Total Payments out		
1881	267	18 11	of Capital—Furni-		
			ture and Fittings .	15	11 0
			Invested in Consols		
			and New Three per		
			Cents.	600	0 0
			Capital Balance in		
			hand, December		
			31st, 1881	175	0 2
	£2,211	2 0		£2,211	2 0

In addition to the above cash balances, the amount of investments at Christmas 1881 was represented by £770 6s. 6d. Consols, £322 19s. 4d. New Three per Cents. (of which £100 is invested in the Library Account), and £200 North British Railway Preference Stock, on account of the Crawter bequest.

A Summary of the Receipts and Expenditure for the present year, up to this date, is as follows:—

RECEIPTS.			EXPENDITURE.		
	£	s. d.		£	s. d.
Total Revenue . .	1,968	0 11	Payments out of Re-		
Revenue Balance in			venue — Current		
hand, January 1st,			Expenses	530	6 10
1882	183	4 2	Transferred to		
Entrance Fees and			Capital	655	0 0
Life Compositions			Revenue Balance in		
carried to Capital			hand, June 2nd,		
Account	754	13 4	1882	965	18 3
Transferred from			Payments out of		
Revenue	655	0 0	Capital—Furniture	44	15 1
Capital Balance in			Invested.	1,405	8 6
hand, January 1st,			Capital Balance in		
1882	175	0 2	hand, June 2nd,		
			1882	134	9 11
	£3,795	18 7		£3,795	18 7

In addition to the above cash balances, the amount of the investments in Consols at the date of this Report stands at £770 6s., in New Three per Cents. £721 9s. 5*d.*, in North British Railway Preference Stock £200, and, as a temporary investment, £1,000 in Exchequer Bills, redeemable at par.

The total liabilities at the present date amount to £353.*

There has been a marked increase in the amount available for the purchase of books for the Library; and the Council take this opportunity of thanking the Members for their response to the appeal which they thought it their duty to address to them. It may be mentioned that a new Library Catalogue is in the press, and will shortly be published. The Library now numbers upwards of 2,000 volumes.

A Special Committee of the Council has been engaged for some time past in the preparation of a suitable design for the Common Seal, the execution of which has been entrusted to Messrs. Wyon, of Regent Street.

The character of the Papers read during the Session has been such as to maintain the reputation of the "Transactions." Although the calamities which have befallen British agriculture during recent years, and the various remedial measures proposed for their alleviation, have naturally occupied the largest share of attention at the Ordinary General Meetings, other subjects of special interest to various sections of the Members have not been neglected, as a glance at the list of Papers will show.

It is hoped that some progress will be made during the Recess with an Index to the fourteen published Volumes of "Transactions"; but its preparation involves great labour and considerable demands upon the time of the staff of the Institution.

In conclusion, the Council ask for the hearty co-operation of the Members in carrying out the important changes necessitated by the Charter.

* These liabilities have since been cleared off.

Cr.

4th November, 1881.

Dr.

RECEIPTS.

REVENUE

[illegible]

£1,423 13 10

CAPITAL

	£	s.	d.	£	s.	d.	£	s.	d.
29 New Fellows' Entrance Fees for 1881, at £5 5s	..	..	152	5	0				
2 Fellows' Entrance Fees, Balance on Transfer, at £2 2s.	..	..	<u>4</u>	<u>4</u>	<u>0</u>				
						156	9	0	
15 New Associates' Entrance Fees for 1881, at £3 3s.	..	..				<u>47</u>	<u>5</u>	<u>0</u>	
									203 14 0
Transferred from Revenue	..	..	..	..	..	..	..	815	0 0
Interest on £200 North British Railway Preference Stock	..	..	..	..	..	..	..	8	18 8
Balance in hands of Treasurer, August 26th, 1881	..	..	..	..	..	..	..	267	18 11
								<u>£790</u>	<u>11 </u>

LIBRARY

								£	s.	d.
Donations from August 26th to December 31st, 1881	..	..	..	..	..	..	..	25	4	0
Dividends " " " " " " " " " " " "	..	..	..	..	..	..	..	1	8	4
Balance in hands of Treasurer, August 26th, 1881 ..	..	..	..	..	..	..	..	84	2	6
								£110	14	10

SUM

[illegible]

ASSETS AND

	£	s.	d.
Cash in hands of Treasurer and Secretary	472	2	2
Value of Furniture and Books	2,516	19	3
Invested in New Three per Cents., North British Railway Preference Stock, and Consols	1,175	10	0
" " " " on Account of the Library	100	0	0
Subscriptions and Entrance Fees due but unpaid at date	162	15	0
Value of Premises, No. 12, Great George Street	6,000	0	0
Fees for use of Rooms due but unpaid at date	208	13	0
	<u>£10,680</u>	<u>19</u>	<u>0</u>

INSTITUTION.

FROM AUGUST 26TH TO DECEMBER 31st, 1881.

Cr.

ACCOUNT.

EXPENDITURE.

1881.	£	s.	d.	£	s.	d.
Rent	125	0	0			
Insurance, Rates and Taxes	77	15	2			
Fuel, Light and Water	26	7	4			
Solicitors and Counsel's Fees in connection with the Charter				229	2	6
Repairs				263	3	0
Stationery, Postage and Receipt Stamps, Books of Account, Publications, &c.				3	12	6
Salaries and Wages				13	16	11
Household Effects and Housekeeper's Petty Cash Expenses, Tea, Coffee, and Sundry Disbursements				232	1	3
Publication of "Transactions"—Printing and Lithography	59	3	0	26	12	8
Covers and Binding	7	0	4			
Reporting	9	9	0			
	75	12	4			
Less Sale of Covers and Binding	12	3	6			
				63	8	10
General Printing				90	9	0
Transferred to Capital				315	0	0
Cash in hands of Secretary	20	0	0			
" " Treasurer	166	7	2			
				186	7	2
				£1,423	13	10

ACCOUNT.

	£	s.	d.
Furniture and Fittings	15	11	0
Invested in Consols and New Three per Cents.	600	0	0
Balance in hands of Treasurer	175	0	2
	£790	11	2

ACCOUNT.

	£	s.	d.
Balance in hands of Treasurer, December 31st, 1881	110	14	10
	£110	14	10

MARY.

	£	s.	d.
Revenue	1,237	6	8
Capital	615	11	0
Balance in hands of Treasurer and Secretary, December 31st, 1881	472	2	2
	£2,324	19	10

LIABILITIES.

	£	s.	d.
Three Months' Rent to December 31st, 1881	62	10	0
Fuel, Housekeeping, and various Accounts	191	16	1
Balance	10,376	13	4

Examined with the books and vouchers and found correct.

ROBERT VIGERS.
ARTHUR GARRARD.

£10,630 19 5

24th May, 1882.

APPENDIX TO VOL. XIV.

Obituary.

JOHN DENT (Fellow) was born in London, in the year 1803. He was the son of Mr. RICHARD DENT, Surveyor, of Camden Town, with whom he became partner at a subsequent period.

He was articled to MESSRS. WIGG & MANSFIELD, and, after serving his time, continued in their office for three or four years, after which he commenced practice on his own account.

In the early days of Railways he was associated with GEORGE and ROBERT STEPHENSON and with the late GEORGE PARKER BIDDER, and was for twenty years constantly engaged in various railway schemes, amongst which may be mentioned the London and Birmingham Railway, the North Stafford, the York and Scarborough, the Trent Valley, the Blackwall, the Manchester and Southampton, the Eastern Counties, the South Western, the London and Ashford Opposition, London and Manchester Opposition, and the Parkside and Macclesfield Opposition. He also, in conjunction with his father, conducted some extensive Parish Surveys, amongst which may be mentioned Freshwater, Thorley, Shalfleet, and Yarmouth in the Isle of Wight, and Islington, Middlesex.

Mr. DENT was one of the earliest Members of the Institution, as also of the Surveyors' Association. Alike in his professional and domestic life he was distinguished by personal qualities which endeared him to all who knew him, and which will perpetuate his memory among a large circle of friends.

He died at his residence, No. 34, Great James Street, Bedford Row, on the 13th day of March, 1882, in his 79th year.

HENRY DOWNS (Fellow) was born about the year 1810 at Dummer, Hants, and when a young man was

associated with his father at Basingstoke in the business of a maltster and farmer; but being of an enterprising disposition, set up in business as a Land Agent and Surveyor, making rapid progress in his new profession, which he continued to pursue most successfully until the close of his career.

His professional duties did not, however, exhaust his energies. He took an active part in local affairs of every kind, and at different periods filled every public office in the town, from that of Tythingman to that of Mayor—the latter on two occasions, viz, in 1854-55, and for a second term in the following year.

Mr. DOWNS was also a Justice of the Peace for the Borough of Basingstoke, a Trustee of the municipal charities, Clerk to the Queen's Grammar School, and Hon. Sec. of the Sheep Fair, and of the Hampshire Chamber of Agriculture.

As a county man, Mr. DOWNS will be particularly remembered as founder of the Hampshire Chamber of Agriculture, and of the Royal Counties (Hants and Berks) Agricultural Society. The latter society, originally established as the Basingstoke Root Show, became, about the year 1860 or 1861, the Hants and Berks Agricultural Society, holding its annual meetings at different centres in the two counties of Hampshire and Berkshire. The Society, to which the prefix of "Royal" has since been added, has now become a great agricultural institution, principally through Mr. DOWNS's indefatigable efforts.

Mr. DOWNS died at Basingstoke, of heart disease, on the 11th Dec., 1880, in his 70th year, leaving a widow and an only daughter.

THE HON. JAMES KENNETH HOWARD (Honorary Member) was born in 1814, and was the youngest son of the Sixteenth Earl of SUFFOLK, and uncle of the present holder of that title. He began his official life in 1835 as a Clerk in the Foreign Office, but resigned this appointment when elected, in 1841, Member of Malmesbury, a constituency which he continued to represent until 1852. Mr. HOWARD held, during his

early life, several minor appointments, but it was as one of the two Commissioners of Woods, Forests, and Land Revenues that his name has been so long familiar to the public. The management of the Woods and other property of the Crown was for many years, viz., from the year 1832, carried on in connection with the Department of Works and Public Buildings. It was not until the year 1851 that what is now commonly known as the Office of Woods was separated from the Office before mentioned, and placed under the control of the Hon. C. A. GORE and the Right Hon. T. F. KENNEDY, to each of whom separate duties were assigned. In 1855 Mr. HOWARD was appointed Commissioner in the place of Mr. KENNEDY, to Mr. HOWARD being assigned the management of the Royal Forests, Lands, and Revenues in Scotland, Ireland, Wales, and the Channel Islands, as well as the management and direction of the New Forest, and to Mr. GORE the vast English Estates of the Crown, amounting to some 70,000 acres of agricultural land, exclusive of the Windsor Estates. As is well known, large powers of purchase and sale, subject to the control of the Treasury, are vested in the Commissioners; and how judiciously these powers have been exercised is evidenced by the fact that during the twenty-six years ending with the disastrous season of 1878-79 the net revenues of the Crown property had been increased by more than 60 per cent. Mr. HOWARD's death took place on Saturday, January 7th, 1882.

RODERIC JOHN WILSON (Associate) was the eldest son of JOHN WILSON, Esq., of Seacroft Hall, a J.P. and D.L. for the West Riding of Yorkshire, and formerly Captain in the 2nd West York Militia. Mr. WILSON was born in the year 1847, and was educated at Eton and Magdalen College, Oxford, where he took his Bachelor's degree in 1870. He was called to the Bar by the Honourable Society of the Inner Temple in Easter Term, 1872, and went the North-Eastern Circuit. Mr. WILSON died on the 3rd June, 1881, at Seacroft Hall, near Leeds, in the 35th year of his age.

LIST OF DONATIONS AND CONTRIBUTIONS TO JUNE 1st, 1882.

DONATIONS OF BOOKS, MAPS, &c.

DONORS.	TITLE OF WORK.
<i>Agricultural Gazette</i> , Editor of the	} "The Agricultural Gazette," 1881-82.
<i>Architect</i> , Editor of the	
Bath and West of England Society	} "Journal," 1881-82.
<i>Builder</i> , Editor of the	
<i>Builder's Weekly Reporter</i> , Editor of the	} "The Builder's Weekly Reporter," 1881-82.
<i>Building News</i> , Editor of the	
Clark, S.	"Whitaker's History of Craven."
Collins, H. H.	} Pamphlet, entitled "Hints on Home Sanitation." By H. H. Collins.
Connor, E. J.	
Curtis, C. E.	} "Table of Logarithmic Sines and Cosines, Table of Products, Quotients, Squares, and Roots." By E. J. Connor.
Curtis, C. E.	} "Estate Management: a Practical Handbook for Landlords, Stewards, and Pupils." By C. E. Curtis. Second Edition.
<i>Estates Gazette</i> , Editor of the	"The Estates Gazette," 1881-82.
Farmers' Club, The	"Journal," 1881-82.
<i>Field</i> , Editor of the	"The Field," 1881-82.
Farrar, J.	"Ashmole's Berkshire." 3 Vols. 8vo.
Goldney, G. P.	} "Cook's Agricultural Tenancies." New Edition. By G. P. Goldney and W. R. Griffiths.
Haywood, W.	
Hedley, T. F.	} "Report to the Streets Committee of the Hon. the Commissioners of Sewers of the City of London on the Disposal of Refuse." By W. Haywood.
Hedley, T. F.	} Pamphlet, entitled "Observations on the Rating of Ground Rents," &c., &c. By T. F. Hedley.
Holloway, T.	"The Practical Surveyor." By T. Holloway.

DONORS.	TITLE OF WORK.
<i>Horticulture, Journal</i> of, } Editor of the }	"Journal of Horticulture," 1881-82.
Humbert, C. F. }	"Proceedings of the Geological Society," February 1879 to February 1882.
Institution of Civil Engineers }	"Minutes of Proceedings." Vols. LXVI. and LXVII.
Institution of Mechanical Engineers }	"Proceedings," 1881-82.
T'Anson, E. }	"The Exact Surveyor; or, the Whole Art of Surveying of Land," 1654. By J. Eyre.
<i>Land</i> , The Editor of }	"Land," 1881-82, including the Index to the Estate Exchange Registers.
<i>Land Agents' Record</i> , Editor of the }	"Land Agents' Record," 1881-82.
London and Middlesex Archæ- ological Society }	"Transactions," 1881-82.
Ditto ditto }	"The History of Monken Hadley."
Neale, C. J. }	"Views in Lincoln." By B. Howlett.
North of England Institute of Mining and Mechanical Engineers }	"An Account of the Strata of Northum- berland and Durham, as proved by Borings and Sinkings."
North of England Institute of Mining and Mechanical Engineers }	"Transactions," 1881-82.
Prior, R. J. }	"Davy's Suffolk."
Ridley, G. }	"The Water Supply of England and Wales." By C. E. De Rance. Treatise on "Rivers and Canals." By Vernon Harcourt.
Robinson, H. }	"Sewage Disposal." By H. Robinson.
Royal Agricultural Society of England }	"Journal," 1881-82.
Royal Institute of British Architects }	"Proceedings," 1881-82. "Sanitary Science in its Relation to Civil Architecture"
Secretary of State for India }	"Account of the Operations of the Great Trigonometrical Survey of India."
Shaw, J. }	"Practical Work on the Management of Small Farms." By Feargus O'Connor.
Sladen, St. Barbe }	"A Glance at Australia in 1880." By H. M. Franklyn.
Smith, C. J. }	"Evelyn's Silva." Edition 1786.
Smyth, E. }	"A Manual of Interest and Annuities." By E. Smyth.
Société des Géomètres . . . }	"Journal," 1881-82.
Statistical Society }	"Journal," 1881-82.
Vaughan, E. }	"Gage's History and Antiquities of Hen- grave."
Wright, T. H. }	"Kitchen's Atlas," 1777.

CONTRIBUTIONS IN MONEY TO LIBRARY FUND,

From June 1st, 1881, to June 1st, 1882.

	£	s.	d.
Acland, Sir T. D., Bart., M.P.	10	0	0
Adkin, C. D.	2	2	0
Austin, R. G.	3	3	0
Bell, G. G.	2	2	0
Bird, J. B.	2	2	0
Blackmore, W. A.	2	2	0
Blakeway, J.	2	2	0
Blosse, E. F. L.	2	2	0
Bolden, J. L.	2	2	0
Botterill, W.	3	3	0
Castle, R.	2	12	6
Clark, H. T.	2	2	0
Coote, G.	2	2	0
Courthope, A.	1	1	0
Cowper, R. W.	2	2	0
Crofts, E. N.	2	2	0
Curtis, R. L.	2	2	0
Dyer, W. J.	2	2	0
Eiloart, F. E.	2	2	0
Ellis, E. H.	2	2	0
Elwell, W. H.	2	2	0
Fenning, H. S.	2	2	0
Field, F. H.	2	12	6
Flockton, T. J.	3	3	0
Freshfield, E.	5	0	0
Fulton, H.	2	2	0
Gillart, R.	2	2	0
Gully, W. C., Q.C.	3	3	0
Hall, E.	2	2	0
Hamilton, H.	2	2	0
Hamilton, H. P.	2	2	0
Haslam, D.	3	3	0
Hayward, H.	2	2	0

	£	s.	d.
Hebblethwaite, L.	5	5	0
Hedger, A. C.	2	2	0
Hobgen, F. N.	2	2	0
Ingram, W. F.	2	2	0
Keirle, R.	3	3	0
Knowles, W.	2	2	0
Lepper, J. H.	2	2	0
Lovejoy, A.	2	2	0
Martin, W.	2	2	0
Minter, W.	2	2	0
Mortimer, J. C.	3	3	0
Mosley, T.	2	2	0
Notley, R. A.	2	2	0
Payne, A.	3	3	0
Payne, F.	2	2	0
Phillips, F. H.	2	2	0
Prior, R. J.	5	5	0
Raby, J. W.	2	2	0
Raby, W.	3	3	0
Rees, W. A.	3	3	0
Ryde, E. H.	2	2	0
Shoppee, C. H.	2	2	0
Silcock, T. B.	2	2	0
Smith, W. C. H. A.	2	2	0
St. Quintin, R. S.	2	2	0
Sworder, G. E.	2	2	0
Thompson, C. W.	2	2	0
Thompson, E. J.	2	2	0
Tower, B. R. C.	2	2	0
Trollope, H. C.	2	2	0
Watson, H. E.	2	2	0
Williams, W.	2	2	0
Withall, R. A.	5	5	0
Wright, T. H.	5	3	0
Wright, W.	3	3	0
Young, M. H.	2	2	0

THE SURVEYORS' INSTITUTION.

(Incorporated by Royal Charter.)

LIST OF MEMBERS, JUNE 1882.

*Date of Election
and of Transfer.*

Honorary Members.

1874, Apr. 18	BEDFORD, HIS GRACE THE DUKE OF	81 & 82, Eaton Square, S.W.
1880, May 10	BRAND, HENRY BOUVERIE WIL- LIAM, THE RIGHT HON.	} Speaker's House, Palace of Westminster, S.W.
1878, Nov. 11	BUCAILLE, EUGÈNE	
1875, Mar. 15	CAIRD, JAMES, C.B.	{ Tithe and Inclosure Commission Office, St. James's Square, S.W.
1877, Jan. 15	CONSTABLE, JOHN, The Rev.	
1880, Jan. 5	DERIVRY, MARIE AUGUSTE LOUIS	Noyon, Oise, France.
1880, Jan. 5	GILLET, GEORGES EDOUARD	Joinville, Haute-Marne, France.
1871, Jan. 30	GORE, CHARLES ALEXANDER, The HONORABLE	Office of Woods, &c., 1, Whitehall Place.
A. '69, Jul. 26 } H.M.'71, Feb. 27 }	LEACH, GEORGE ARCHIBALD, { LIEUT.-COLONEL	{ Tithe and Inclosure Commission Office, St. James's Square, S.W.
1878, Nov. 11	LEFÈVRE, FRANÇOIS ETIENNE	
A. '68, Jun. 28 } H.M.'77, May 14 }	LLOYD, JOHN HORATIO	100, Lancaster Gate, W.
A. '72, Jan. 15 } H.M.'72, Apr. 22 }	RIDLEY, GEORGE	2, Charles Street, Berkeley Square, W.

*The names of those who have paid Life Composition Fees are distinguished thus **

*Date of Election
and of Transfer.*

Fellows.

1868, Jun. 15	ADAMS, CHARLES FREDERICK	Barkway, Herts.
1881, Feb. 21	ADDIE, WILLIAM FORRESTER	30, Winckley Square, Preston.
1872, Dec. 9	APPERLEY, WILLIAM HAVARD	Hereford.
1869, May 3	ARDING, CHARLES BENNETT.	22, Surrey Street, Strand, W.C.
1882, Apr. 24	ARMSTRONG, THOMAS JOHN	14, Hawthorn Terrace, Newcastle-on-Tyne.
1875, Nov. 8	AUSTIN, RUSSELL GARDINER	The Wash, Hertford.

Date of Election
and of Transfer.

FELLOWS.

1882, May 22	BALLARD, EDMUND	High Street, Ashford, Kent.
1877, Mar. 12	BALLS, JAMES MAYHEW	Castle Hedingham, Essex.
1881, Feb. 7	BANNISTER, THOMAS	Limehurst, Hayward's Heath, Sussex.
1882, Jan. 30	BARFIELD, FREDERIC HENRY	Farringdon, Berks.
1868, Aug. 17	*BARRY, CHARLES	1, Westminster Chambers, Victoria Street, S.W.
1882, Feb. 18	BATH, FRED	Crown Chambers, Salisbury, Wilts.
1868, Jun. 15	BEADEL, WILLIAM JAMES	97, Gresham Street, E.C.
	(Vice-President)	
1868, Nov. 2	*BEAUMONT, GEORGE, JUN. . . .	East Bridgford, near Nottingham.
1876, Apr. 24	BECKETT, WILLIAM	Oulton Park Farm, near Tarporley, Cheshire.
1879, Jan. 6	BEDELLS, CHARLES KING	6, John Street, Bedford Row, W.C.
1873, Dec. 8	BEESTON, FREDERICK	30, Lincoln's Inn Fields, W.C.
1881, Dec. 19	BELL, GEORGE GRAHAM	11, Pall Mall East, S.W.
1875, Mar. 1	BENNETT, THOMAS OATLEY	Bruton, Somerset.
1881, Dec. 19	BERRIDGE, ROBERT	181, Bishopsgate Street Without, E.C.
1873, Feb. 24	BEWICK, THOMAS JOHN	Haydon Bridge, Northumberland.
1869, Mar. 22	BIDWELL, CHARLES	Ely, Cambridgeshire.
1875, Apr. 12	BINGHAM, REUBEN	5, Bolton Street, Piccadilly, W.
1868, Oct. 26	BINNIE, THOMAS	207, Hope Street, Glasgow.
	(Member of Council)	
1868, Aug. 10	BIRD, JAMES BINFIELD	West Cowes, Isle of Wight.
1882, Mar. 18	BIRDSEYE, WILLIAM	99, Gresham Street, E.C.
1882, Mar. 13	BLAKEMORE, WILLIAM AGUTTER	24, Salisbury Street, Strand, W.C.
1870, Feb. 7	BLOUNT, WILLIAM	Orchhill House, Gerard's Cross, Bucks.
1874, Feb. 2	BOLAM, CHARLES GODFREY	38, Parliament Street, S.W.
1874, Feb. 2	BOLAM, HARRY GEORGE	Ingestre, Stafford.
1876, May 8	BOLAM, WILLIAM THOMAS	Cross House, Westgate Road, Newcastle-upon-Tyne.
1875, Dec. 13	*BOLDEN, JOHN LEONARD	Tehidy Office, Camborne, Cornwall.
1869, May 3	BOND, ERASMUS	22, Surrey Street, Strand, W.C.
1868, Jun. 15	BONNY, JAMES RIPPOTH	47, Old Broad Street, E.C.
1882, May 22	BOOKER, ALGERNON ERSKINE	Albion House, Hyde Park Square, W.
1881, Dec. 19	BOTTERILL, WILLIAM	23, Parliament Street, Hull.
1868 Jul. 13	BOWLER, WILLIAM ANTHONY	5, Museum Street, Ipswich.
1881, Dec. 19	BOYLE, EDWARD	14, Clement's Lane, E.C.
1882, Feb. 13	BRERETON, FRANC SADLEIR	36, Lincoln's Inn Fields, W.C.
1874, Dec. 7	BROOK, JAMES	12, 13, & 14, Estate Buildings, Huddersfield.
1874, Jan. 5	BROWN, DANIEL JOHNSON	61, Lincoln's Inn Fields, W.C.
1868, Jul. 13	BROWN, GEORGE	Roborough House, Barnstaple, Devonshire.
1881, Dec. 19	BROWN, GEORGE JAMES	8, Spring Gardens, S.W.
1871, Dec. 18	BROWN, JOHN	Rose Hill, Chesterfield.
1869, Feb. 22	BROWN, THOMAS FORSTER	Guildhall Chambers, Cardiff.
1869, Feb. 8	BROWN, WILLIAM	Tring, Herts.
1870, Dec. 12	BUCHAN, THOMAS	15, Barrack Street, Dundee.
1868, Jul. 13	BUCK, ALBERT	Worcester.
1871, Dec. 18	BUCKLAND, FRANK BOWRY	Windsor.
1868, Jun. 15	BUCKLAND, VIRGOE	66, Cannon Street, E.C.
	(Member of Council)	

Date of Election
and of Transfer.

FELLOWS.

1882, Mar. 13	BURBRIDGE, SAMUEL	9, Blomfield Street, E.C.
1868, Jul. 20	BURNELL, EDWARD HENRY . .	32, Bedford Row, W.C.
1881, Dec. 19	BURNETT, DAVID	14, Nicholas Lane, E.C.
1875, Feb. 1	*BURROUGHES, THOMAS HENRY.	16, Lower Berkeley Street, W.
1882, May 22	BURROWS, ALFRED J.	High Street, Ashford, Kent.
A. '68, Aug. 10 } Td. '75, Mar. 15 }	BUTLER, ARTHUR	7, Staple Inn, W.C.
1874, Jan. 5	BUZZARD, ALFRED LINDSEY. .	22, Surrey Street, Strand, W.C.
A. '70, Feb. 7 } Td. '80, Nov. 22 }	CARRITT, ERNEST	4, Lime Street Square, Lime Street, E.C.
1881, Dec. 19	CARTWRIGHT, HENRY EDWARD .	Magherafelt Manor, Co. Londonderry, Ireland.
1876, Apr. 24	CASSELL, JAMES ROBERT . . .	11, Billiter Square, E.C.
1874, Jan. 19	CASTLE, HENRY JAMES, SEN. .	5, Chancery Lane, W.C.
	<i>(Member of Council)</i>	
1881, Dec. 19	CASTLE, HENRY JAMES, JUN. .	37, Bedford Row, W.C.
1873, Jan. 13	CASTLE, ROBERT	Merton Street, Oxford.
1872, Mar. 11	CASTLE, WILLIAM HENRY BALDWIN	5, Chancery Lane, W.C.
1870, Dec. 12	CATES, ARTHUR	7, Whitehall Yard, S.W.
1875, Jan. 4	CAVE, HENRY H.	The Manor House, Brigg, Lincolnshire.
1870, Jan. 10	CHANCELLOR, FREDERICK . .	Chelmsford, Essex; and 8, Finsbury Circus, E.C
1868, Jun. 15	CHAPMAN, GEORGE	14, Cockspur Street, S.W.
1873, Jan. 27	CHEFFINS, CHARLES RICHARD .	23, Abingdon Street, S.W.
1868, Jul. 6	CHINNOCK, FREDERICK GEORGE	11, Waterloo Place, S.W.
1882, Jan. 16	CLARK, SAMUEL	8, New Cavendish Street, W.
1882, Jan. 16	CLARKE, ALFRED DUDLEY . .	Estate Office, Blenheim Palace, Woodstock.
1868, Jun. 15	CLARKE, THOMAS CHATFEILD .	63, Bishopsgate Street Within, E.C.
	<i>(Member of Council)</i>	
1868, Jun. 15	CLIFTON, EDWARD NORTON . .	7, East India Avenue, E.C.
	<i>(Past-President)</i>	
1868, Jun. 15	CLUTTON, HENRY	9, Whitehall Place, S.W.
1868, Jun. 15	CLUTTON, JOHN	9, Whitehall Place, S.W.
	<i>(Past-President)</i>	
A. '68, Jul. 13 } Td. '75, May 10 }	CLUTTON, JOHN HENRY . . .	9, Whitehall Place, S.W.
A. '68, Jul. 6 } Td. '74, Apr. 13 }	CLUTTON, RALPH	9, Whitehall Place, S.W.
A. '70, Jan. 10 } Td. '75, Dec. 13 }	CLUTTON, RALPH WILLIAM . .	Hartswood, Reigate, Surrey.
1868, Jul. 13	CLUTTON, ROBERT GEORGE . .	9, Whitehall Place, S.W.
1869, Jan. 11	CLUTTON, WILLIAM JAMES . .	The Mount, York.
1868, Jun. 30	COBB, HERBERT MANSFIELD . .	43, Lincoln's Inn Fields, W.C.
1882, Jan. 15	COBB, ROBERT LAKE.	Higham, Kent.
1882, Jan. 30	COLEMAN, JOHN	Riccall Hall, York.
1868, Aug. 17	COLLINS, HENRY HYMAN . . .	61, Old Broad Street, E.C.
1869, Apr. 5	COMELY, JOHN GILL	Winchester, Hants.
1882, Jan. 30	COOPER, JOHN GROVES	Bideford, Devon.
1876, Apr. 24	COOTE, GEORGE	Smetham Hall, Sudbury, Suffolk.
1872, Jan. 29	COUCHMAN, CHARLES.	6, Waterloo Street, Birmingham.

*Date of Election
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FELLOWS.

1880, Jan. 5	COVERDALE, FREDERICK JOHN	Ingatestone Hall, Essex.
1882, Feb. 13	COVERDALE, HENRY	Cossey, Norfolk.
1878, Jan. 28	COWGILL, WILLIAM	Bradford.
1882, Feb. 13	COX, GEORGE JAMES	1, Promenade, Cheltenham.
1869, Jan. 25	CRAWTER, JOHN	Cheshunt, Herts.
1869, Jan. 25	CRICKMAY, GEORGE RACKSTROW	St. Thomas Street, Weymouth.
1874, May 11	CRONK, EDWYN EVANS	Sevenoaks, Kent.
1882, Feb. 13	CRONK, EDWYN EVANS, JUN. . . .	12, Pall Mall, S.W.
1882, Feb. 13	CRONK, FRANK	12, Pall Mall, S.W.
1876, Jan. 10	CROSS, JOHN	77, King Street, Manchester.
1873, Apr. 21	CROSS, WILLIAM STEPHENS	53, Charing Cross, S.W.
1881, May 16	CROWTHER, SAMUEL	Bradford Estate Offices, Bolton.
A. '75, Mar. 1 } Td. '80, Nov. 8 }	CRUSE, EDMUND	Warminster, Wiltshire.
1868, Jun. 15	CURREY, HENRY	37, Norfolk Street, W.C.
1880, Dec. 13	CURTIS, CHARLES EDWARD	Deanyers, Alton, Hants.
1877, Apr. 16	CURTIS, ROBERT LEABON	15 and 16, Blomfield Street, E.C.
1879, Apr. 28	CURTIS, SAMUEL PERKINS	15 and 16, Blomfield Street, E.C.
1881, Dec. 19	DALLAS, EDWIN STUART	35, Great James Street, Bedford Row, W.C.
1882, Feb. 13	DANN, HENRY	Bexley, Kent.
1878, Apr. 29	DARLEY, WILLIAM	Eastfield, Askern, Doncaster.
1868, Jul. 13	DAVID, EDWARD	Llandaff, Glamorganshire.
1882, Feb. 13	DAVIES, DAVID PRYSE	Troedybryn, near Llandilo, Carmarthen.
1873, Feb. 10	DAVIES, JOHN MORGAN	Froodvale, Llandilo, Carmarthenshire.
A. '77, Dec. 10 } F. '81, Nov. 14 }	DAVIS, JAMES	32, Strand, W.C.
1882, Jan. 16	DEACON, THOMAS MARK	1, Adelaide Street, Charing Cross, S.W.
1868, Jun. 15	DENTON, JOHN BAILEY	22, Whitehall Place, S.W.
1882, Feb. 27	DEW, WILLIAM	Wellfield House, Bangor.
1882, Feb. 27	DEW, WILLIAM ARTHUR	Wellfield House, Bangor.
A. 1869, Feb. 8 } Td. 1878, Feb. 25 }	DODGSON, WILFERED LONGLEY	The Moor, Ludlow.
1882, Jan. 30	DOWLING, CLEMENT	32, Craven Street, W.C.
1878, Jan. 14	DOWNING, FREDERICK	7A, Whitehall Yard, S.W.
1873, Feb. 10	DREW, HENRY	Exeter.
1872, Feb. 26	DREW, JOHN	{ 9, Queen Street, Exeter; and Powderham Castle near Exeter.
A. 1876, Jan. 10 } Td. 1878, Feb. 25 }	DRIVER, CHARLES WILLIAM	4, Whitehall, S.W.
1868, Jun. 15	DRIVER, ROBERT COLLIER (Member of Council)	4, Whitehall, S.W.
1880 Dec. 13	DRIVER, ROBERT MANNING	4, Whitehall, S.W.
1882, Jan. 16	DRURY, EDWARD DRU	25, Queen Anne's Gate, S.W.
1874, Jan. 5	DUNCH, CHARLES	{ District Board Offices, White House, Commercial Road, E.
1871, Jan. 30	DUNLOP, ALEXANDER MILNE	3, Old Palace Yard, Westminster S.W.
1882, Apr. 24	DYER, WILLIAM JOHN	Montpelier Road, Blackheath, S.E.
1868, Jun. 15	DYMOND, FRANCIS WILLIAMS	Exeter.

Date of Election
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FELLOWS.

1868, Aug. 3	EASTON, WILLIAM	6, Hammet Street, Taunton, Somersetshire.
1881, Dec. 19	EGERTON, HUBERT DECIMUS	8, New Road, Oxford.
1868, Aug. 3	EILOART, FERDINAND	40, Chancery Lane, W.C.
1875, Feb. 1	ELLIS, JOHN WHITTAKER (Lord Mayor)	{ 5, Lancaster Place, W.C., and 18, Old Broad Street, E.C.
1872, Feb. 26	EMMANUEL, BARROW	2, Finsbury Circus, E.C.
A. 1874, Feb. 16 } Td. 1876, Nov. 27 }	EVANS, WILLIAM ERNEST	52, Abbey Foregate, Shrewsbury.
1882, Jan. 16	EVE, JOHN RICHARD	Silsoe, Amptill, Beds.
1868, Aug. 3	EVE, WILLIAM	10, Union Court, Old Broad Street, E.C.
1873, May 5	EVES, GEORGE	Uxbridge, Middlesex.
1880, Jan. 5	FAIR, JACOB WILSON	8, Winckley Street, Preston, & Haigh Hall, Wigan.
1879, Mar. 31	FARRAR, JAMES	12, Market Street, Bury, Lancashire.
1878, Jan. 27	FIELD, FRANCIS HAYWARD	Merton Street, Oxford.
1880, Jan. 19	FLOCKTON, THOMAS JAMES	15, St. James' Row, Sheffield.
1881, Dec. 19	FORREST, ROBERT	Windsor Estate Office, St. Fagans, near Cardiff.
1879, Dec. 8	FORSHAW, EDWARD	Basford, Stoke-upon-Trent.
1872, Mar. 11	FOSTER, CHARLES ROLLS	54, Pall Mall, S.W.
1881, Dec. 19	FOSTER, JOSEPH BURGESS	4, Cambridge Street, Plymouth, Devon.
1882, Jan. 16	FOULKES, SEPTIMUS GIFFORD	Tring, Herts.
1882, Jan. 16	FOWLER, FREDERICK	St. James' Street, Sheffield.
1878, Dec. 8	FOWLER, WILLIAM	95, Colmore Row, Birmingham.
	(Member of Council.)	
1874, Jan. 5	FOX, FREDERICK FRANCIS	Melbourne, near Derby.
1882, Feb. 13	FRYER, GEORGE	White Friar Gate, Hull.
1875, Jan. 18	FRY, GEORGE FREDERICK	46, London Road, Dover.
1868, Jun. 15	FULLER, FRANCIS	63, St. Aubyn's Place, Cliftonville, Hove, Brighton.
1882, Mar. 13	FURBER, HERBERT	2, Warwick Court, Gray's Inn, W.C.
1876, Jan. 10	GAIRDNER, EDWARD JAMES	{ 42, University Street, W.C., and 9 and 10, Craig's Court, Charing Cross, S.W.
1882, Feb. 27	GALE, JOSEPH JOHN	Market Place, Wallingford, Berks.
1868, Jul. 6	GALSWORTHY, FREDERICK THOMAS	11, Waterloo Place, S.W.
1882, Feb. 13	GARDINER, EDWARD JAMES	110, Great Russell Street, W.C.
1868, Sep. 28	GARDINER, WILLIAM JAMES	110, Great Russell Street, W.C.
1882, Jan. 16	GATER, CALEB WILLIAM	Salisbury, Wilts.
1877, Feb. 12	GERMAN, WILLIAM	Measham, Atherstone, Derbyshire.
1882, Jan. 16	GIBBS, JAMES STEPHEN	37, Walbrook, E.C.
1875, Feb. 1	GILBERT, WILLIAM HENRY } SAINSBURY	9, Old Jewry, E.C.
1880, Feb. 2	GILLART, RICHARD	Machynlleth, Montgomeryshire.
1869, Dec. 6	GIRDWOOD, JAMES	49, Pall Mall, S.W.
1876, Jan. 24	GLASIER, GEORGE HENRY } BROUGHAM	41, Charing Cross, S.W.
A. 1878, May 19 } Td. 1878, Mar. 11 }	GORE, SPENCER W.	16, Whitehall Place, S.W.
1880, Apr. 12	GOULDING, WILLIAM PURDHAM	41, Moorgate Street, E.C.
1873, Feb. 10	GOUTHWAITE, RICHARD	Lumby, near South Milford, Yorkshire.
1882, Jan. 16	GREEN, JAMES	22, Chancery Lane, W.C.

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FELLOWS.

1875, Jan. 10	GRAHAM, WILLIAM	Victoria Chambers, Newport, Monmouthshire
1875, Jan. 18	GREY, CHARLES GREY . . .	55, Parliament Street, Westminster, S.W.
1876, Mar. 28	GWYTHER, WILLIAM WARLOW .	43, Lincoln's Inn Fields, W.C.
1874, Mar. 16	HADDOCK, ROLAND	21, High Street, Croydon, Surrey.
1881, May 2	HALL, ERNEST	166, Queen Street, Portsea, Hants.
1878, Dec. 9	HALL, JOHN GEORGE	8, Masbro' Road, West Kensington, W.
1882, Jan. 16	HAMILTON, HENRY	64 & 65, Coleman Street, E.C.
1881, Dec. 19	HARDCASTLE, FREDERICK HENRY APPLETON	10, Brunswick Square, W.C.
1875, Jan. 4	HARDING, JOSEPH	49, Lune Street, Preston.
1881, Dec. 19	HARDING, SIDNEY LONGHURST .	St. Albans, Herts.
1875, Dec. 17	HARDING, WILLIAM DANIEL . .	16, St. Paul's Churchyard, E.C.
1871, Feb. 23	HART, WILLIAM FREDERICK . .	Lambeth Waterworks, Brixton Hill, S.W.
1868, Jul. 13	HARVEY, JOHN	6, Victoria Place, Haverfordwest, Pembrokeshire.
1868, Jul. 13	HARVEY, RICHARD HART . . .	6, Victoria Place, Haverfordwest, Pembrokeshire.
1873, May 19	HASLAM, DRYLAND	17, Friar Street, Reading.
1881, Dec. 19	HAYWARD, HENRY	Dover.
1868, Jul. 6	*HAYWOOD, WILLIAM	Guildhall, E.C.
1882, Jan. 16	HEATON, GEORGE HERBERT . .	Endon, near Stoke-upon-Trent, Staffordshire.
1881, Apr. 4	*HEBBLETHWAITE, LOUIS . . .	Conservancy Buildings, Hull.
1871, Jan. 16	HEDLEY, THOMAS FENWICK . . .	Sunderland.
1881, May 2	HEDLEY, THOMAS FENWICK, JUN.	Sunderland.
1870, Jan. 10	HILLIARD, GEORGE BRIDGE . . .	Chelmsford, Essex.
1868, Jul. 13	HIPPISLEY, EDWIN	Chamberlain Street, Wells, Somersetshire.
1882, May 22	HITCHCOX, WILLIAM	Victoria Chambers, Newport, Monmouthshire.
1878, Dec. 9	HOBGEN, FRANCIS NEALE	East Street, Chichester.
1878, Dec. 9	HODSON, GEORGE	Town Hall, Loughborough.
1882, Apr. 24	HOLBECH, ROBERT NEVILLE . .	21, Bennett's Hill, Birmingham.
1874, Nov. 16	HOLDEN, JOHN	64, Cross Street, Manchester.
1882, Jan. 16	HOLMES, JAMES	23, Delamere Street, Ashton-under-Lyne.
1882, Apr. 24	HORNE, WILLIAM EDGAR	80, Fore Street, E.C.
1868, Jun. 15	HORSEY, THOMAS	11, Billiter Square, E.C.
1869, Feb. 22	HORSFALL, RICHARD	Halifax, Yorkshire.
1869, Apr. 5	HORWOOD, JAMES	10, Paternoster Row, E.C.
1881, Dec. 19	HOVENDEN, THOMAS HENRY . .	181, Bishopsgate Street Without.
1868, Sep. 28	HUDSON, WILLIAM	19, Bennet's Hill, E.C., and Hope Lodge, 181, Grove Lane, Camberwell.
1882, Mar. 13	HULL, CHARLES	Euston Station, London, N.W.
1868, Nov. 2	HUMBERT, CHARLES F.	Watford, Herts.
1869, Feb. 22	HUMPHREYS, CHARLES	6, Crosby Square, Bishopsgate Street Within, E.C.
1881, Dec. 5	HUMPHREYS, HENRY	Woodhouse, Loughborough, Leicestershire.
1868, Jun. 15	HUNT, SIR HENRY ARTHUR, C.B.	45, Parliament Street, Westminster, S.W.
1874, May 11	HUNT, HENRY ARTHUR, JUN. . .	3, Victoria Street, Westminster, S.W.
1869, Mar. 8	HUNT, JOSIAH	6, Queen Anne's Gate, Westminster, S.W.
1868, Jun. 15	HUSKINSON, THOMAS	Epperstone, Nottingham.
	(Past-President)	
1874, Jan. 19	HUSKINSON, WILLIAM LAMBE . .	The Manor House, Epperstone, Nottingham.
1869, Feb. 22	HUSSEY, GEORGE HENRY	The Green, High Wycombe, Bucks.

Date of Election
and of Transfer.

FELLOWS.

1868, Jun. 15	I'ANSON, EDWARD	7A, Laurence Pountney Hill, E.C.
	(Vice-President)	
1880, Jan. 19	I'ANSON, EDWARD BLAKEWAY	7A, Laurence Pountney Hill, E.C.
A. '78, Feb. 10 } F. '82, Jan. 16 }	INGRAM, WALTER FIELDE	89, Chancery Lane, W.C., and Firle, Lewes.
1880, Feb. 16	JACKSON, CHARLES	25, Brazennose Street, Manchester.
1869, Jul. 26	JACKSON, FREDERICK	Nottingham.
1876, Apr. 3	JEMMETT, ALEXANDER	Nymphsfield, Stonehouse, Stroud, Gloucestershire.
1882, Feb. 18	JENKINSON, WILLIAM WILBER- FORCE	} 6, Moorgate Street, E.C.
A. '69, Apr. 5 } Td. '78, Feb. 25 }	JONAS, HENRY	
1868, Jul. 27	JONAS, JOHN CARTER	27, Market Hill, Cambridge.
1882, Mar. 13	JONES, CHARLES FREDERICK	Temple Chambers, 32, Fleet Street, E.C.
1882, Jan. 16	JONES, CHARLES JENKIN	2, Storey's Gate, S.W.
1873, Apr. 21	JONES, HENRY PARR	Portway House, Warminster.
1881, Dec. 19	*JONES, JAMES WILLIAM	54, Caledonian Road, Leeds.
1880, Nov. 8	KEIRLE, ROBERT	111, Victoria Street, S.W.
1882, Jan. 16	KEELING, BASSETT	10, King's Arms Yard, Lothbury, E.C.
1869, Mar. 22	KING, WILLIAM DAVID	Farlington Farm, Havant, Hants.
1882, May 8	KINGSTON, SAMUEL	Spalding, Lincoln.
1868, Sep. 28	KNOLLYS, JAMES EDWARD	Fitzhead Court, Taunton, Somerset.
1871, Feb. 27	KNOWLES, WILLIAM	Albion Chambers, King Street, Gloucester.
1868, Aug. 3	LAMBERT, WILLIAM	1, New Broad Street, E.C.
1876, Apr. 24	LANE, CECIL NEWTON	Whiston Hall, Shifnal, Salop.
1882, Feb. 27	LANGRIDGE, GEORGE	Public Rooms, Tunbridge Wells, Kent.
1881, Jan. 24	LANSDOWN, GEORGE	2 & 3, Warwick Street, Charing Cross, S.W.
1868, Nov. 9	LAURANCE, JOHN, JUN.	Sexton Barry, Peterboro'.
1868, Jul. 20	LAVENDER, JOSEPH	26, Bedford Row, W.C.
1878, Nov. 11	*LEANE, GEORGE HENRY	23, Queen Anne's Gate, S.W.
A. '68, July 6 } F. '82, May 8 }	LEE, CHARLES WILLIAMS	8, Adelphi Terrace, W.C.
1874, Feb. 2	LEE, FREDERICK	6, Great College Street, Westminster, S.W.
1878, Mar. 25	LEE, WILLIAM WARD	33, Finsbury Circus, E.C.
1870, Feb. 7	LEES, JOHN	Reigate, Surrey.
1882, Jan. 30	LEPPER, JOHN HARRAGE	Town Hall, Bromley, Kent.
A. '78, Jan. 27 } F. '82, Apr. 24 }	LERMIT, ALFRED WILLIAM	32, Bedford Row, W.C.
1882, Feb. 27	LEWIS, FRANCIS THEODORE	95, Gresham Street, E.C.
1881, Dec. 19	LIGHTFOOT, FRANCIS LOWRY	3, Old Palace Yard, S.W.
1882, Feb. 13	LITTLE, WILLIAM CUTLACK	Stag's Holt, March, Cambridgeshire.
1881, Dec. 19	LOCK, WILLIAM HENRY	Instow, North Devon.
1875, Mar. 15	LOFTS, HENRY	99, Mount Street, Grosvenor Square, W.
1876, Feb. 7	LOVEJOY, ALFRED	35, Bucklersbury, E.C.
1882, Feb. 13	LOWE, CHARLES HARLOWE	Hampstead Vestry Hall, Haverstock Hill, N.W.
1869, Jul. 12	LYE, JOHN GAUNT	8, Lancaster Place, W.C.

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FELLOWS.

1868, Nov. 2	MACAULAY, COLIN ALEXANDER .	Leicester.
1869, Jan. 25	MANN, CHARLES JOHN . . .	29, Great George Street, S.W.
1875, Jan. 18	MANN, ROBERT WILKS . . .	7, Hobart Place, S.W.
1869, Mar. 29	MARR, JAMES	8, Adam Street, Adelphi, W.C.
1876, Mar. 20	*MARTIN, GILSON	Chatsworth, Chesterfield.
1875, Jan. 4	MARTIN, HOWARD	{ 145, High Street, Croydon; Bolney Grange, Hav-
1870, Feb. 7	*MARTIN, JAMES	lock Road, Croydon.
	(Member of Council)	Wainfleet, Lincolnshire.
1876, May 8	MARTIN, JOHN MAY	Castle Chambers, Exeter.
1875, May 10	MASON, WILLIAM LUDLAM . . .	The High Holme, Louth, Lincolnshire.
1882, Jan. 16	MASTERMAN, GEORGE HUGHES .	37, Walbrook, E.C.
1868, Jun. 15	MATHEWS, JEREMIAH	15, Waterloo Street, Birmingham.
1868, Jun. 15	*MATHEWS, WILLIAM	15, Waterloo Street, Birmingham.
1882, Jan. 30	MAYLARD, CHARLES GRASON . .	9, Victoria Chambers, Westminster, S.W.
1876, Feb. 7	MCCALL, GEORGE	33, Victoria Chambers, Market Place, Blackburn.
1879, Dec. 8	MELLERSH, ALFRED WILLIAM .	Godalming, Surrey.
1882, Feb. 27	MESSENGER, WILLIAM HARRY .	Hullbrook, Guildford, Surrey.
1882, Jan. 16	MILLAR, CHARLES WILLIAM . .	14, Grafton Street, W.
1877, Feb. 16	MINTER, WILLIAM	81, Bondgate, Darlington.
1874, Dec. 7	MOORE, EDWARD WELLS	Middle Claydon, Winslow, Bucks.
1876, Nov. 13	MORRIS, JOHN WARRINGTON . .	Gracechurch Buildings, Gracechurch Street, E.C.
1881, Feb. 7	MORTIMER, JOHN CAMDEN . . .	5, Great Queen Street, S.W.
1882, Mar. 13	MULLETT, FREDERICK AUGUSTUS	Albion House, Hyde Park Square, W.
1881, Dec. 19	MULLINER, THOMAS	Albert Square, Manchester.
1882, Feb. 27	MUNRO, PHILIP	Bank Chambers, Corn Street, Bristol.
1878, Dec. 9	MURPHY, EDMUND	Dunfanaghy, Letterkenny, Ireland.
1882, May 8	MYNORS, WALTER CHARLES } TOWERS }	Little Ingestre, Stafford.
A. '69, Jan. 25 } F. '82, Mar. 13 }	NASH, ALFRED JAMES	Farnham, Surrey.
1874, Apr. 13	NAYLOR, ARTHUR MILLINGTON .	3, Old Palace Yard, Westminster, S.W.
1868, Nov. 2	NEALE, CHARLES JAMES	High Oakham, Mansfield, Notts.
1879, Feb. 3	*NEAME, FREDERICK, JUN. . . .	Macknade, Faversham, Kent.
1882, Apr. 24	NEATE, ARTHUR WEBB	Hungerford, Berks.
A. '75, Dec. 13 } F. '82, Feb. 27 }	NEVILE, HENRY WILLIAM	{ Broughton Estate Office, 8, John Dalton Street, Manchester.
1872, Dec. 9	NEWMAN, FRANCIS	Ryde, Isle of Wight.
1882, Feb. 13	NEWSON, HARRY CRASS	57, Lincoln's Inn Fields, W.C.
1875, Jan. 18	NICHOLS, DANIEL CUBITT	3, Howard Street, Strand, W.C.
1872, Jan. 29	NISBET, RALPH P.	Chester Hill House, Belford, Northumberland.
1875, Apr. 26	NOCKOLDS, MARTIN	Saffron Walden, Essex.
1876, Mar. 20	NORMAN, JAMES MAURICE	Uxbridge, Middlesex.
1869, Mar. 8	NORMAN, WILLIAM	8, Spring Gardens, S.W.
1868, Jul. 20	NORTH, GEORGE	22, Whitehall Place, S.W.
1871, Feb. 13	NOTLEY, RICHARD ALBERT . . .	80, Cornhill, E.C.
1882, Jan. 16	*NOTLEY, ROBERT PLEDGE . . .	35, Bucklersbury, E.C.

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FELLOWS.

1868, Jul. 6	*OAKLEY, CHRISTOPHER	10, Waterloo Place, S.W.
1877, Apr. 30	OAKLEY, WILLIAM	10, Waterloo Place, S.W.
1881, Dec. 19	OBORNE, ALFRED WILLIAM . .	Wimbledon Park, Surrey.
1882, Feb. 18	OSBORN, RICHARD	153, Fenchurch Street, E.C.
1869, Mar. 8	OWEN, THOMAS RULE	High Street, Haverfordwest, Pembrokeshire.
A. '75, Nov. 8 } Td. '81, April 4 }	PAIN, COARD SQUAREY	14, North John Street, Liverpool.
1872, Dec. 9	PARSONS, HENRY	Haslebury Plucknett, Crewkerne, Somerset.
1875, Nov. 8	PATERSON, ROBERT	10, Hanover Street, Edinburgh.
1881, Jan. 24	PATTISSON, JACOB LUARD . .	6, Sussex Gardens, Hyde Park, W.
1881, Jan. 10	PAUL, EDWARD THEODORUS . .	13, Dickenson Street, Manchester.
1870, Dec. 12	PAXTON, JONAS	Bicester, Oxfordshire.
1880, Dec. 13	*PAYNE, ALEXANDER	4, Storey's Gate, S.W.
1882, Jan. 30	PAYNE, FREDERICK	Town Hall, Bromley, Kent.
1868, Jun. 15	PENFOLD, JOHN WORNHAM . .	29, Great George Street, Westminster, S.W.
	<i>(Honorary Secretary)</i>	
1876, May 8	PEPPERCORN, JOHN HUTCHINSON	Manor House, Eaton Socon, Bedfordshire.
1876, Feb. 21	PHILLIPS, FREDERICK HAMILTON	{ Glamorganshire County Road Surveyor's Office, Eaglesbush, Neath, Glamorganshire
1881, Dec. 19	PICKSTOCK, JOHN	
1881, Dec. 19	PODMORE, HENRY ROBERT	{ Castle Hill, Winchester, Hants.
	BERESFORD	
1882, Jan. 16	PORTER, ALFRED	109, Grange Road, Bermondsey, S.E.
1880, Jan. 5	POTTS, JOSEPH, JUN. . . .	North Cliff, Roker, Sunderland.
1870, Jan. 24	POUNDLEY, JOHN EDWARD . .	Black Hall, Kerry, Montgomeryshire.
1877, May 14	POWELL, EVAN	Broomcliffe, Llanidloes, Montgomeryshire.
A. '74, Feb. 16 } Td. '80, Nov. 22 }	POWELL, REGINALD HENRY . .	St. Swithin's Lane, High Street, Lewes, Sussex.
1877, Dec. 10	POWALL, GEORGE HARRY . .	29, Parliament Street, S.W.
1872, Nov. 25	PRICKETT, WALTER BELLSON .	62, Chancery Lane, W.C.
1877, May 14	PRIOR, RICHARD JAMES . . .	Canterbury, and 61, Lincoln's Inn Fields, W.C.
1882, Apr. 24	RABY, JOSEPH WALKER . . .	78, Cross Street, Manchester.
1881, Nov. 14	RABY, WILLIAM	78, Cross Street, Manchester.
1870, Jan. 24	RAWLENCE, GEORGE	Salisbury, Wilts.
1870, Feb. 7	RAWLENCE, JAMES	Salisbury, Wilts.
1868, Oct. 26	RAYNBIRD, HUGH EDWARD . .	Basingstoke, Hants.
1880, Dec. 13	REES, WILLIAM ANDREW . . .	7, Cornhill, E.C.
1879, Apr. 28	REES, WILLIAM GEORGE . . .	Holly House, Newport, Monmouthshire.
1878, Nov. 11	REID, PATRICK SANDEMAN . .	20, John Street, Adelphi, W.C.
A. '69, Feb. 8 } F. '82, Feb. 13 }	REX, WILLIAM	311, Kentish Town Road, N.W.
1876, Dec. 18	RICHARDSON, JOHN	Methley Park, Leeds.
A. '76, May 8 } F. '81, Dec. 5 }	RICH, ROBERT	{ Sarsden Estate Office, near Chipping Norton, Oxfordshire.
1873, Feb. 10	RICKMAN, THOMAS MILLER . .	8, Montague Street, Russell Square, W.C.
1868, Jun. 15	RIGDEN, RICHARD HENRY . .	The Close, Salisbury, Wilts.
1882, Mar. 27	ROBERTS, JAMES MACKENZIE .	Dedham, near Colchester, Essex.
1868, Aug. 17	ROBERTS, RICHARD	42, New Broad Street, E.C.
1879, Mar. 31	ROBINS, EDMUND	5, Waterloo Place, S.W.

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FELLOWS.

1868, Jul. 13	ROBINS, EDWARD COOKWORTHY .	14, John Street, Adelphi, W.C.
1881, Jan. 24	ROBINS, WILLIAM HENRY . . .	82A, New Street, Birmingham.
1881, Apr. 4	ROBINSON, HENRY	7, Westminster Chambers, S.W.
1882, May 8	ROBINSON, NATHANIEL WISHART	Marlowes, Hemel Hempstead, Herts.
1872, Dec. 9	*ROBSON, EDWARD ROBERT . . .	{ 41, Parliament Street, Westminster; and 6, St. Germain's Place, Blackheath, S.E.
1879, Mar. 17	ROBSON, HENRY	Old Elvet, Durham.
1881, Jan. 24	ROGERS, EDWARD PHIPPARD } GEORGE }	16, Borough, London Bridge, S.E.
A. '74, Dec. 7 } Td. '76, Jan. 24 }	ROLLESTON, JOHN FOWKE } LANCELOT }	Grey Friars, Leicester.
1868, Aug. 31	ROSSER, WILLIAM	Llanelly, Carmarthen.
1878, Apr. 8	*ROWE, RICHARD REYNOLDS . .	Park House, Cambridge.
A. '73, Dec. 8 } Td. '75, Nov. 8 }	RUSHWORTH, EDMUND WALTER	22, Savile Row, W.
A. '76, Dec. 18 } Td. '80, Nov. 8 }	RYDE, ARTHUR LYON	29, Great George Street, S.W.
1868, Jan. 15	RYDE, EDWARD (President)	29, Great George Street, S.W.
1876, Jan. 24	SADLER, GEORGE WILLIAM . . .	467, High Street, Cheltenham.
1875, Apr. 26	SANDAY, GEORGE HENRY . . .	Wensley House, Bedale, Yorkshire.
1882, Feb. 13	SANDERS, THOMAS	Cheltenham.
1876, Nov. 27	SANDY, HENRY	Newport Road, Stafford.
1869, Feb. 8	SAUNDERS, CECIL GEORGE . . .	29, Great George Street, S.W.
1869, Feb. 22	SAUNDERS, EDWARD	6, Bishopsgate Street Without, E.C.
1868, Aug. 17	SAVILL, ALFRED	3, St. Helen's Place, E.C.; and Chigwell, Essex.
1879, Jan. 6	SCARGILL, ALFRED	11, East Parade, Sheffield.
1874, Feb. 2	SCARTH, WILLIAM T. (Member of Council)	Raby Castle, Darlington.
A. '81, Dec. 5 } F. '82, Apr. 24 }	SCOVELL, JOHN	Batsford, Moreton-in-the-Marsh, Gloucestershire.
1875, Mar. 1	SEARLE, FRANCIS WILLIAM . .	Marsh House, Tottenham, Middlesex.
1879, Mar. 3	SELBY, CHARLES FREDERIC . .	19, Queen Anne's Gate, S.W.
1875, Mar. 1	SHACKEL, GEORGE	12, The Forbury, Reading, Berks.
1876, Mar. 6	SHAW, JOHN	College Place, Derby.
1881, Dec. 19	SHERLOCK, CORNELIUS	63, South John Street, Liverpool.
A. '77, Jan. 29 } Td. '80, Nov. 8 }	SHOPPEE, CHARLES HERBERT .	61, Doughty Street, W.C.
1868, Jul. 13	SHOPPEE, CHARLES JOHN . . .	61, Doughty Street, W.C.
	(Member of Council)	
1882, Jan. 30	SIMMONDS, FREDERICK	Parkside, Englefield Green, Surrey.
1872, Apr. 22	SLATER, GEORGE	Canterbury.
1868, Oct. 26	SMELLIE, THOMAS DAVIES . . .	209, St. Vincent Street, Glasgow.
1863, Aug. 17	SMITH, CHARLES BOVILL	Wickham, Hants.
1868, Jul. 13	SMITH, CHARLES JOHN	94, Cheyne Walk, Chelsea, S.W.
A. '70, Mar. 21 } Td. '78, Mar. 11 }	SMITH, CHARLES JOHN	16, Whitehall Place, S.W.
A. '76, May 8 } F. '81, Dec. 5 }	SMITH, HENRY	8, John Street, Adelphi, W.C.
A. '75, Apr. 26 } Td. '81, Jan. 24 }	SMITH, HENRY HERBERT . . .	6, Whitehall, S.W.
1868, Aug. 10	SNOOKE, WILLIAM	6, Duke Street, London Bridge, S.E.

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FELLOWS.

1868, Nov. 9	SOUTHWELL, CHARLES JOSIAH	9, Whitehall Place, S.W.
1868, Jul. 27	SPACKMAN, HENRY	6, Terrace Walks, Bath.
1868, Jun. 15	SQUAREY, ELIAS PITTS (Vice-President)	{ 22, Great George Street, S.W.; and The Moot, Downton, Salisbury.
1871, Feb. 13	ST. QUINTIN, PERRY	37, Threadneedle Street, E.C.
1868, Aug. 17	STANLEY, HENRY	Bury St. Edmunds, Suffolk.
1868, Jun. 15	STATTER, THOMAS	Standhall, Whitefield, Manchester.
1877, Jan. 15	STENNING, ALEXANDER ROSE	27, Fenchurch Street, E.C.
1868, Jun. 15	STEPHENSON, CHARLES (Member of Council)	45, Parliament Street, Westminster, S.W.
1876, Jan. 24	STEPHENSON, CHRISTOPHER	Naworth Estate Office, Brampton, Cumberland.
1868, Jul. 27	STEWART, HERBERT THOMAS	3, Victoria Street, S.W.
1881, Dec. 19	STONER, ALFRED	8, Blomfield Street, E.C.
1881, Dec. 19	STRUDWICK, WILLIAM HENRY	14, Parliament Street, S.W.
1868, Jul. 20	STURGE, ROBERT FOWLER	34, Corn Street, Bristol.
1868, Jun. 15	STURGE, WILLIAM (Past-President)	34, Corn Street, Bristol.
1874, Feb. 16	SWORDER, GEORGE EDWARD	Bishop's Stortford, Herts.
1875, Feb. 15	SWORDER, WILLIAM	Stapleford Tawney Hall, near Romford, Essex.
A. '70, Feb. 7 } Td. '78, Jan. 28 }	TATHAM, GEORGE HENRY	34, Essex Street, Strand, W.C.
1874, Jan. 19	THOMAS, JOSIAH	Athenæum Chambers, Nicholas Street, Bristol.
A. '70, Feb. 21 } F. '82, Jan. 30 }	THOMPSON, CHARLES WILLIAM	Guildhall, London, E.C.
1881, Dec. 19	THOMPSON, EDWARD JAMES	90, King Street, Manchester.
1881, Dec. 19	THURGOOD, HERBERT JOHN	27, Chancery Lane, W.C.
1878, Jan. 14	*THURSFIELD, THOMAS HOWELLS	Barrow, Brosely, Shropshire.
1863, Jun. 15	THYNNE, EDWARD LEWIS	11, Great George Street, S.W.
1869, Jan. 11	THYNNE, FREDERICK GEORGE	11, Great George Street, S.W.
1882, Feb. 13	TIFFEN, JOSEPH	Conservancy Buildings, Hull.
1875, Jan. 18	TOLLEY, JAMES	66, Cannon Street, E.C.
1882, Feb. 27	TOOTELL, CHARLES	13, King Street, Maidstone, Kent.
1877, Jan. 29	TOOTELL, JOSEPH	Maidstone, Kent.
1882, Feb. 27	TOOTELL, JOSEPH, JUN.	13, King Street, Maidstone, Kent.
1877, Jan. 29	TOOTELL, RICHARD WILLIAM	11, Queen Victoria Street, E.C.
1876, Apr. 24	TOWER, BROWNLOW RICHARD } CHRISTOPHER }	The Old House, Kibworth, Harcourt, Leicester- shire.
1868, Jun. 15	TRIST, GEORGE	62, Old Broad Street, E.C.
1874, May 11	TROLLOPE, CHARLES BROWN	13, Parliament Street, Westminster, S.W.
1868, Jun. 15	TRUMPER, RICHARD	23, Lincoln's Inn Fields, W.C.
1868, Aug. 3	TUCKETT, PHILIP DEBELL	10A, Old Broad Street, E.C.
1878, Dec. 9	TUNLEY, GEORGE	14, Clement's Lane, E.C.
1869, Feb. 8	TURNER, WILLIAM	1, Butter Market, Ipswich, Suffolk.
1879, May 12	TURNER, WILLIAM WEBB	9, Clinton Place, Seaford, Sussex.
1880, Feb. 16	VAUGHAN, EVAN	6, Moorgate Street, E.C.
A. 187, Dec. 8 } Td. 1878, Nov. 11 }	VENABLES, FREDERICK	62, Chancery Lane, W.C.

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FELLOWS.

1876, Feb. 21	VERNON, ARTHUR	{ Borshams, High Wycombe, Bucks; and 26, Great George Street, Westminster, S.W.
1880, Mar. 1	VERNON, WALTER LIBERTY	{ 4, Trinity Street, Hastings; and 26, Great George Street, Westminster, S.W.
1882, May 22	VIDLER, JAMES COLEMAN	Rye and Hastings, Sussex.
1876, Jan. 20	VIGERS, ASTLEY	4, Frederick's Place, E.C.
1871, Dec. 4	VIGERS, EDWARD, JUN.	38, Parliament Street, Westminster, S.W.
1868, Jun. 15	VIGERS, FRANCIS	4, Frederick's Place, E.C.
	(Member of Council)	
1868, Jun. 15	VIGERS, ROBERT	4, Frederick's Place, E.C.
1872, Dec. 9	VULLIAMY, GEORGE	{ Metropolitan Board of Works, Spring Gardens, S.W.
1881, Dec. 19	WAINWRIGHT, CHARLES RAWLINSON	Shepton Mallet, Somerset.
1882, Feb. 13	WALKER, HERBERT	Newcastle Chambers, Angel Row, Nottingham.
1881, Dec. 19	WALKER, SAMUEL	22, Moorgate Street, E.C.
1882, Mar. 27	WALMSLEY, ARTHUR THOMAS	5, Westminster Chambers, S.W.
1881, Dec. 19	WARE, CHARLES EDWIN	Gandy Street Chambers, Exeter.
1869, Jan. 25	WARING, THOMAS	St. John's Square, Cardiff.
A. 79, Mar. 8 } Td. 75, Apr. 12 }	WARNER, WILLIAM HENRY	99, Mount Street, Grosvenor Square, W.
1868, Jun. 15	WATNEY, DANIEL	62, Old Broad Street, E.C.
	(Member of Council)	
1880, Mar. 1	WATSON, HERBERT EDWARD	Thorney, near Peterborough.
1882, Apr. 24	WATSON, JOHN	Shirburn Castle, Tetsworth, Oxon.
A. 1876, Dec. 18 } Td. 1879, Nov. 10 }	WATTS, CHARLES	25, Bedford Row, W.C.
1872, May 6	WEALL, JOHN	38, High Street, Watford.
1882, Jan. 16	WEAVER, WILLIAM	Town Hall, Kensington, W.
1869, Dec. 6	WEBB, GEORGE	Tunstall, Sittingbourne, Kent.
1881, Dec. 19	WELLSTED, WILLIAM HENRY	Manor Street, Kingston-upon-Hull.
1882, Feb. 13	WESTBURY, GEORGE HENRY	The Knoll, Andover, Hants.
1868, Jul. 20	WESTBURY, GILES	Andover, Hants.
1882, Mar. 13	WHARTON, THOMAS GEORGE	1, Basinghall Street, E.C.
1868, Nov. 9	WHICHOORD, JOHN	Palace Chambers, 9, Bridge Street, Westminster.
1882, Feb. 13	WHITE, JOHN	Warrington, Lancashire.
1882, Jan. 16	WHITELEY, CHARLES PERCY	76, Queen Street, E.C.
1874, Apr. 27	WIDNELL, FREDERICK GRAINGER	13, Parliament Street, Westminster, S.W.
A. 1870, Feb. 7 } Td. 1876, Nov. 13 }	*WIGRAM, JOHN	South Collingham, Newark, Notts.
1882, Jan. 30	WILKINSON, GEORGE AYSCOUGH	7, Poultry, E.C.
1868, Jul. 20	WILLIAMS, GEORGE BARNES	Frederick's Place, E.C.
1870, May 9	WILLIAMS, STEPHEN WILLIAM	Rhayader, Radnorshire.
1880, Mar. 1	WILLIAMS, WILLIAM	Sakop Road, Oswestry.
1876, Mar. 6	WILLIAMSON, FRANCIS	31, Castle Gate, Nottingham
1868, Aug. 10	WILLMOT, FRANCIS	6, Waterloo Street, Birmingham.
1881, Dec. 19	WILSON, THOMAS SILK	Albert Square, Manchester.
1868, Jun. 15	WITHALL, RICHARD AUGUSTUS	29, Great George Street, Westminster, S.W.
1868, Jun. 15	WOOD, FREDERICK	34, Regency Square, Brighton.
1868, Jul. 13	WOOD, WILLIAM BRYAN	Langley Green, Chippenham, Wilts.
1881, Dec. 19	WOODS, HENRY	2, Dowgate Hill, E.C.

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FELLOWS.

1873, Feb. 10	WOODCOCK, RICHARD . . .	20, Darlington Street, Wolverhampton.
1875, Mar. 1	WOODTHORPE, EDMUND. . .	2, Coleman Street Buildings, Moorgate St., E.C.
1881, Feb. 21	WOOLLEY, REGINALD. . . .	South Collingham, Newark, Notts.
A. '76, Feb. 7 } Td. '80, Nov. 8 }	WOOLLEY, THOMAS CECIL SMITH	South Collingham, Newark, Notts.
1868, Jun. 15	WOOLLEY, THOMAS SMITH . .	South Collingham, Newark, Notts.
	(Vice-President)	
A. 1871, Nov. 18 } Td. 1877, Jan. 29 }	WOOLLEY, WILLIAM EDWARD .	Loughborough, Leicestershire.
1872, Dec. 9	WRIGHT, WILLIAM EDWARD .	King's Lynn, Norfolk.
1872, Apr. 22	*WRIGHT, WILLIAM	Wollaton, Nottinghamshire.
1882, Jan. 30	*WYATT, OLIVER NEWMAN . .	St. John Street, Chichester.
1876, Feb. 21	YEOMAN, GEORGE DUNDAS . .	Priory Lodge, Bedford.

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Associates.

1876, Mar. 20	ACLAND, SIR THOMAS DYKE, } BART., M.P.	Killerton, Exeter.
1881, Dec. 19	ADKIN, CHARLES DUNCAN . .	Kelso Cottage, Reigate, Surrey.
1882, Mar. 27	ANDERSON, CHARLES HENRY .	9, King's Bench Walk, Temple.
1881, Jan. 10	ANDERSON, ROBERT	25, Bedford Row, W.C.
1882, Apr. 24	AYRES, CHARLES PRYOR . . .	Gresham Lodge, Watford, Herts.
1868, Nov. 2	BADCOCK, PHILIP	9, Whitehall Place, S.W.
1881, Dec. 19	BAILEY, LEONARD	Leigham Court Road, Streatham.
1879, Dec. 8	BALDING, ALBERT	Barkway, Herts.
1880, Dec. 13	BANKES, JOHN ELDON	4, Elm Court, Temple, E.C.
1868, Jul. 27	BARRY, JOHN WOLFE	23, Delahay Street, Westminster, S.W.
1875, Dec. 13	BATTEN, JOHN WINTERBOTHAM	3, Harcourt Buildings, Temple, E.C.
1876, Dec. 18	BAZALGETTE, CHARLES NORMAN	1, Essex Court, Temple, E.C.
1881, May 16	BEADEL, HENRY GRANT	97, Gresham Street, E.C.
1879, Feb. 3	BEALE, JAMES SAMUEL	28, Great George Street, S.W.
1868, Nov. 9	BEAUCHAMP, CHARLES DAVIE .	9, Whitehall Place, S.W.
1880, Jan. 19	BECK, T. COKER	Sherborne St. John, Basingstoke, Hants.
1878, Feb. 11	BEVAN, WALTER	Melton Hill, Townsville, Queensland.
1869, Feb. 22	*BIDDER, GEORGE PARKER, Q.C.	3, Paper Buildings, Temple, E.C.
1875, Feb. 1	BIDWELL, SHELFORD	9, Whitehall Place, S.W.
1875, Feb. 1	BIRCH, ROBERT WILLIAM } PEREGRINE	2, Westminster Chambers, S.W.
1875, Feb. 1	BLAKEWAY, JOHN	5, Bloomsbury Square, W.C.
1878, May 13	BLOSSE, EDWARD F. LYNCH . .	2, Cathedral Road, Cardiff.
1882, Feb. 27	BOA, ANDREW	Great Thurlow, Newmarket, Suffolk.
1879, Mar. 31	BOODLE, FRANCIS EDWARD . .	4, Whitehall, S.W.
1881, Dec. 19	BRADLY, WILLIAM	{ Metropolitan Board of Works, Spring Gardens, S.W.
1868, Jun. 23	BRAMWELL, SIR FREDK. JOSEPH	37, Great George Street, Westminster, S.W.
1882, Apr. 24	CARD, HENRY	North Street, Lewes, Sussex.
1882, Mar. 27	CARD, HENRY CURTIS	North Street, Lewes, Sussex.

Date of Election.

ASSOCIATES.

1870, Dec. 12	CARDALL, FREDERIC WILLIAM	9, Whitehall Place, S.W.
1869, Jul. 26	CARLISLE, WILLIAM THOMAS	8, New Square, Lincoln's Inn, W.C.
1882, Apr. 24	CARPENTER, EVAN GEORGE	21, High Street, Croydon, Surrey.
1879, Jan. 6	CASSERLEY, SAMUEL WILLIAM	7, Crown Office Row, Temple, E.C.
1871, Feb. 13	CASTLE, EDWARD JAMES	8, King's Bench Walk, Temple, E.C.
1870, May 9	CATLING, ROBERT CHARLES	Needham Hall, Elm, Cambridgeshire.
1880, Dec. 13	CLARK, HARDING THOMAS	67, Fellows Road, South Hampstead, N.W.
1876, Nov. 13	CLARKE, DANIEL	Easton Street, High Wycombe, Bucks.
1876, Feb. 7	CLAYDEN, WALTER	6, Moorgate Street, E.C.
1882, Feb. 27	COLGATE, THOMAS, JUN.	Glynde, Lewes, Sussex.
1874, Jan. 5	COOKE, WILLIAM GEORGE	3, Vine Terrace, York Road, S.E.
1882, Feb. 13	COOKE, WILLIAM STEPHEN	9, New Broad Street, E.C.
1881, May 16	CONNELLY, JOHN JOSEPH	60, Queen Victoria Street, E.C.
1881, Jan. 10	COURTHOPE, ALEXANDER	Biggor Park, Pulborough, Sussex.
1882, Feb. 13	COWPER, RICHARD WILLIAM	81, High Street, Sittingbourne, Kent.
1870, Jan. 10	CRAWLEY, WILLIAM JEEVES	10, Waterloo Place, Pall Mall.
1881, Mar. 21	CRESSWELL, JOHN THEODORE	} Spring Grove, Isleworth.
	ROSS	
1881, Feb. 7	CROFTS, EWAN NEVILLE	30, Lincoln's Inn Fields, W.C.
1879, Mar. 17	CUDLIPI, WILLIAM	62, Old Broad Street, E.C.
1875, Feb. 15	DALE, JOHN	16, Whitehall Place, S.W.
1882, Jan. 30	DANSIE, FREDERICK CROWN	4, Frederick's Place, E.C.
1875, Apr. 26	DASHWOOD, FREDERICK LOFTUS	Kirtlington, Oxford.
1882, Mar. 13	DAVIS, CHARLES JAMES	32, Strand, W.C.
1882, Mar. 27	DAY, WILLIAM ANSELL	18, New Bridge Street, Blackfriars, S.E.
1869, Jan. 25	DOWDEN, HENRY JOSEPH	4, Whitehall, S.W.
1882, May 22	DRAPER, ARTHUR THOMAS	Grey Friars, Leicester.
1882, Feb. 13	DREW, ALLEN	80, Cheapside, E.C.
1869, Jun. 28	EASTON, EDWARD	9, Delahay Street, S.W.
1877, Apr. 16	EDWARDS, JOHN FREDERICK	} Orleton, Tenbury, Worcestershire.
	JAMES	
1879, Jan. 20	EILOART, FREDERICK EDWARD	40, Chancery Lane, W.C.
1880, Mar. 15	ELLIS, ERNEST HAROLD	132, High Street, Guildford.
1881, Dec. 19	ELWELL, WILLIAM HENRY	45, Parliament Street, S.W.
1869, Feb. 8	FAWCETT, JAMES POGUE	5, Lancaster Place, W.C.
1880, Jan. 19	FENNING, HERBERT SAMUEL	Park Farm Office, Woburn, Bedfordshire.
1881, Feb. 7	*FEW, HARRY GARRARD	Market Place, Newbury.
1882, Feb. 13	FLINT, WILLIAM HURST	5, Lancaster Place, W.C.
1869, Feb. 22	FOWLER, JOHN	2, Queen Square Place, S.W.
1878, Feb. 11	FREEMAN, GEORGE MALLOWS	11, King's Bench Walk, Temple, E.C.
1878, Mar. 11	*FRESHFIELD, EDWIN	5, Bank Buildings, E.C.
1876, Mar. 20	FRESHFIELD, WILLIAM DAWES	5, Bank Buildings, E.C.
1882, Feb. 13	FULLER, GEORGE JOHN	35, Bucklersbury, E.C.
1877, Mar. 12	FULTON, HAMILTON	7, Vigo Street, Regent Street, W.
1882, Feb. 13	FURBER, HENRY AUBREY	6, Upper Hamilton Terrace, N.W.

Date of Election.

ASSOCIATES.

1868, Jul. 27	GARRARD, ARTHUR	17, Finsbury Square, E.C.
1882, Jan. 16	GARROD, HERBERT JAMES . .	Bell Street, Reigate, Surrey.
1876, Dec. 18	GEDGE, SYDNEY	1, Old Palace Yard, S.W.
1879, Apr. 28	GEPP, CHARLES BRAMSTON } OSBORNE }	Chelmsford, Essex.
1872, Apr. 8	GEPP, THOMAS MORGAN . . .	Chelmsford, Essex.
1878, Dec. 9	GIBSON, WALTER MATTHEW . .	Privy Purse Office, Buckingham Palace, S.W.
1874, Feb. 16	GOLDNEY, GABRIEL PRIOR . .	3, Essex Court, Temple, E.C.
1877, Feb. 12	GOTTO, FREDERICK EDWARD . .	Stoney Stratford, Bucks.
1869, Jan. 11	GRANTHAM, RICHARD BOXALL . .	22, Whitehall Place, S.W.
	<i>(Associate of Council)</i>	
1874, Jan. 5	GRANTHAM, RICHARD FUGE . .	22, Whitehall Place, S.W.
1881, Mar. 21	GRANTHAM, WILLIAM, Q.C., M.P.	3, Paper Buildings, Temple, E.C.
1881, Dec. 19	GROVES, WILLIAM	28, Great George Street, S.W.
1880, Dec. 13	GULLY, WILLIAM COURT, Q.C. . .	Farrar's Buildings, Temple, E.C.
1882, Jan. 16	GURNEY, HAROLD	8, Upper Hamilton Terrace, N.W.
1881, Dec. 19	HALSEY, EDWARD JOSEPH . . .	Pirbright, Surrey.
1882, Mar. 27	HAMILTON, HENRY BEST HANS . .	1, Brick Court, Temple.
1882, Feb. 27	HAMILTON, JOHN PAYNTER . . .	64 and 65, Coleman Street, E.C.
1877, Mar. 26	HARDING, EDWARD ERNEST . . .	16, St. Paul's Churchyard, E.C.
1877, Mar. 26	HARDING, WILLIAM DANIEL, JUN. .	16, St. Paul's Churchyard, E.C.
1881, Feb. 21	HARPER, EDGAR JOSIAH . . .	8, Clandown Villas, Turnpike Lane, Hornsey.
1878, Jan. 28	HARRINGTON, GEORGE FREDERICK .	16, Abchurch Lane, E.C.
1876, Dec. 18	HARRISON, WILLIAM GEORGE, Q.C. .	11, King's Bench Walk, Temple, E.C.
1878, Dec. 9	HARVEY, JOHN JAMES SAYER . .	Tunstall, Sittingbourne.
1881, Dec. 19	HEAD, JOHN MERRICK	Reigate, Surrey.
1880, Dec. 13	HEDGER, ARTHUR CONSTANTINE . .	80, Cheapside, E.C.
1875, Dec. 13	HIGGIN, WILLIAM HOUSMAN, Q.C. .	4, St. James' Square, Manchester.
1875, Jan. 4	HILL, ALEXANDER STAVELEY, } Q.C., M.P., &c., &c. . . . }	3, Garden Court, Temple; and Oxley Manor, Stafford.
1881, Dec. 19	HINE, GEORGE ERNEST	5, Waterloo Place, S.W.
1870, May 23	HOLLWAY, JOHN GEORGE	Lamb Building, Temple, E.C.
1868, Jul. 20	HORSLEY, RICHARD	11, Bull-and-Mouth Street, E.C.
1869, Feb. 8	HUBBERSTY, HENRY ALFRED . . .	Buxton, Derbyshire.
1881, Dec. 19	HUMBERT, SYDNEY	88, St. James's Street, S.W.
1881, Feb. 7	INGLEBY, HERBERT	Valentines, Ilford, Essex.
1880, Dec. 13	JAMES, SIR HENRY, Q.C., M.P. . .	1, New Court, Temple, E.C.
1879, Dec. 8	JANSON, FREDERICK HALSEY . . .	41, Finsbury Circus, E.C.
1879, Nov. 24	JESSETT, CHARLES	62, Old Broad Street, E.C.
1881, Dec. 19	JONES, THOMAS	3, Old Palace Yard, S.W.
1870, Jan. 24	JOHNSTON, ANDREW	97, Gresham Street, E.C.
1875, Dec. 13	KAYE, JOHN EDWARD	8, John Street, Adelphi, W.C.
1881, Dec. 19	KEATES, WILLIAM ALLEN	The Iron Market, Newcastle, Staffordshire.
1881, May 16	KETTLE, FREDERICK CHARLES . .	Tower Chambers, Moorgate Street, E.C.
1873, April 21	*KING, WILLIAM	Gas Office, Duke Street, Liverpool.

Date of Election.

ASSOCIATES.

1874, Feb. 2	LEDGARD, FREDERICK THOMAS DURELL	} 1, Temple Gardens, Temple, E.C.
1876, Apr. 3	LEE, GEORGE CANSFIELD	
1881, Dec. 19	LEONARD, HENRY HOLMES	202, Bishopsgate Street Without, E.C.
1874, Feb. 16	LITTLER, RALPH DANIEL MAKIN- SON, Q.C.	} 4, Temple Gardens, Temple, E.C.
1879, Dec. 8	LLOYD, EYRE	
1869, Mar. 4	LOTT, JOSEPH	19, Great George Street, S.W.
1877, May 18	LUCAS, JOSEPH	Tooting Graveney, S.W.
1876, Jan. 15	MARRIOTT, GEORGE WHARTON	Blankney, Sleaford, Lincoln.
1874, Feb. 16	MARRIOTT, WILLIAM THACKERAY, Q.C., M.P.	} 6, Crown Office Row, Temple, E.C.
1881, Nov. 14	MARSHALL, LIONEL HASLER	
1873, Nov. 13	MARTIN, CHARLES WILLIAM	Quorn Place, Loughborough, Leicestershire.
1882, Jan. 16	MARTIN, WALTER	Wainfleet, Lincolnshire.
1878, May 13	MAUGHAN, JOSEPH HENRY	9, New Street, Great Grimsby.
1878, Jan. 28	MESTON, JOSEPH FYFE	20, Spring Gardens, S.W.
1879, Jan. 6	MEYSEY-THOMPSON, ALBERT CHILDERS	} 4, Paper Buildings, Temple, E.C.
1875, Jan. 4	MICHAEL, WILLIAM HENRY, Q.C.	
1882, Feb. 13	MILNES, ROBERT, JUN.	Collingham House, Upper Tulse Hill, S.W.
1881, Feb. 7	MOSLEY, TONMAN	Bangors, Iver, Uxbridge.
1880, Jan. 19	NEWMARCH, HENRY CHARLES	10, Lincoln's Inn Fields, W.C.
1874, Feb. 2	NIXON, SAMUEL	29, Great George Street, S.W.
1878, Feb. 11	NORRIS, WALTER HENRY	Alban Villa, Watford, Herts.
1881, Dec. 19	NOTTAGE, WILLIAM GRIGGS	High Street, Windsor.
1882, Mar. 13	PAGE, THOMAS GOWLAND	57, Coleman Street, E.C.
1880, Jan. 19	PARKER, CECIL THOMAS, THE HON.	} Eccleston, Chester.
1876, Apr. 24	PARKER, FREDERICK SEARLE	
1881, Dec. 5	PARKIN, JOHN ROBERT	Idridgehay, near Derby.
1875, May 10	PAYNE, WILLIAM PERCY	Holmesdale, The Park, Nottingham.
1872, Nov. 11	PAYNE, WILLIAM SETH ROBERT	9, Rood Lane, E.C.
1869, Dec. 6	PETRE, HENRY WILLIAM, THE HON.	Springfield, Chelmsford, Essex.
1869, Feb. 22	PHILBRICK, FREDK. ADOLPHUS, Q.C.	Lamb Building, Temple, E.C.
1875, Jan. 4	PLEDGER, JOSEPH AUGUSTUS	Boreham Lodge, Chelmsford.
1869, Apr. 5	PRICE-WILLIAMS, RICHARD	38, Parliament Street, S.W.
1871, Feb. 27	QUICK, JOSEPH, JUN.	29, Great George Street, S.W.
1882, May 22	RAINEY, JOSEPH HARGROVE	Pelham Chambers, Angel Row, Nottingham.
1868, Nov. 9	REES, JOHN CHARLES	13, Great George Street, S.W.
1882, Apr. 24	REX, CHARLES WILLIAM	311, Kentish Town Road, N.W.
1882, Apr. 24	REX, FRANCIS HERBERT	311, Kentish Town Road, N.W.
1882, Jan. 30	RIGDEN, HENRY WILLIAM	Salisbury, Wilts.

Date of Election.

ASSOCIATES.

1882, Jan. 16	RIGG, HERBERT ADDINGTON	9, King's Bench Walk, Temple.
1876, Jan. 24	ROBERTS, CHARLES	3, Upper Montague Street, Russell Square, W.C.
1882, Feb. 13	ROBERTS, CHARLES GORDON	42, New Broad Street, E.C.
1882, Feb. 13	ROBEY, ROBERT	Oaklands, East Tytherley, near Romsey, Hants.
1882, Jan. 30	ROBINSON, JAMES THOMAS	11, Waterloo Place, S.W.
1882, Apr. 24	ROBINSON, MARTIN CATLIN	Silsoe, Ampthill, Beds.
1875, Nov. 8	RYDE, EDWARD HARROW	Cranley House, Fontenoy Road, Balham, S.W.
1882, Mar. 13	SAVILL, ALFRED, JUN.	3, St. Helen's Place, E.C.
1882, Feb. 13	SCRIVEN, CHARLES HERBERT	Castle Ashby, Northampton.
1880, Feb. 16	SEXBY, JOHN JAMES	{ Metropolitan Board of Works, Spring Gardens, S.W.
1882, Mar. 27	SHEARMAN, JOHN.	2 & 3, New Inn, Strand, W.C.
1882, Jan. 16	SHERWIN, JOSEPH HENRY	16, Whitehall Place, S.W.
1871, Feb. 13	SHIELD, HUGH, Q.C., M.P.	13, King's Bench Walk, Temple, E.C.
1881, Jan. 24	SILCOCK, THOMAS BALL	14, Abbey Churchyard, Bath.
1882, May 8	SIMMONS, CHARLES FRANKLIN	Henley-on-Thames; and Basingstoke, Hants.
1879, Apr. 28	SLADEN, ST. BARBE	1, Delahay Street, Westminster, S.W.
1880, Dec. 13	SMALLPEICE, GEORGE BAKER	2, Godliman Street, Doctor's Commons, E.C.
1879, Mar. 17	SMITH, GEORGE CECIL	16, Whitehall Place, S.W.
1882, Jan. 16	SMITH, GERALD HENRY LABOUCHERE	{ 9, Whitehall Place, S.W.
1868, Jul. 27	SMITH, HERBERT EDMUND	Darlington, Durham.
1878, Apr. 8	SMITH, JOHN SMALMAN	3, Hare Court, Temple, E.C.
1879, Apr. 28	SMITH, LUMLEY, Q.C.	4, Paper Buildings, Temple, E.C.
1882, Apr. 24	SMITH, REGINALD W.	1, Temple Row West, Birmingham.
1869, Jan. 11	SMITH, WILLIAM BINNS	7, St. James' Street, S.W.
1882, Jan. 16	SMITH, WILLIAM CHARLES HENRY ALSTON	{ 25, Cannon Street, Birmingham.
1868, Nov. 9	SMYTH, EDWARD	{ 9, Whitehall Place; and 52, Wiltshire Road, Brixton, S.W.
1882, Jan. 16	STEPHENS, PEMBROKE S., Q.C.	1, Plowden Buildings, Temple.
1879, Jan. 6	STEPHENSON, CHARLES WILLIAM	38, Parliament Street, S.W.
1882, Jan. 16	STEVENSON, FREDERICK J.	4, Frederick's Place, E.C.
1881, Jan. 24	STEVENSON, GEORGE WILSON	38, Parliament Street, S.W.
1876, Mar. 20	ST. QUINTIN, RICHARD SAMUEL	37, Threadneedle Street, E.C.
1875, Dec. 13	STRUTT, EDWARD GERALD, THE HON.	{ Terling Place, Witham, Essex.
1875, Jan. 4	STRUTT, FREDERICK, THE HON.	88, Eaton Square; and Milford House, Derby.
1877, Dec. 10	SUTTON, HENRY	Farrar's Building, Temple, E.C.
1882, Feb. 13	SWINSCOW, HAROLD EDWIN	97, Gresham Street, E.C.
1882, Feb. 27	TAPP, ARTHUR	Shortlands, Kent.
1882, Apr. 24	TARLETON, ROGER	Farley Road, Malvern Link, Worcester.
1881, Dec. 19	†TARRANT, WALTER	Oldfield Lodge, Bath.

† Institution Prizeman, 1881.

Date of Election.

ASSOCIATES.

1869, Jul. 26	TAYLOR, GEORGE	{ Tithe and Inclosure Commission Office, St. James's Square, S.W.
1881, Dec. 19	TAYLOR, JOHN WILLIAM	24, Grainger Street West, Newcastle-upon-Tyne.
1882, Apr. 24	THEOBALD, HENRY	71, Paul Str.et, West Ham, Essex.
1880, Dec. 13	THOMAS, HUBERT	Watford, Herts.
1882, Feb. 13	THORPE, CHRISTOPHER	Rose Hill, Chesterfield.
1880, Dec. 13	*THURNALL, JOHN EDWARD	Royston, Herts.
1882, Mar. 13	TRETHEWY, HENRY, JUN. . . .	Silsoe, near Ampthill, Beds.
1868, Jul. 20	TROLLOPE, GEORGE FRANCIS	15, Parliament Street, Westminster, S.W.
1880, Dec. 13	TROLLOPE, HENRY CHARLES	Elmfield, Streatham, S.W.
1880, Jan. 5	TURNER, FRANCIS	5, Pump Court, Temple, E.C.
1878, Jan. 28	VIGERS, LESLIE ROBERT	4, Frederick's Place, Old Jewry, E.C.
1880, Dec. 13	VIGERS, MARTIN	52, Queen Victoria Street, E.C.
1879, Mar. 3	WAKEFIELD, GODFREY	5, Chancery Lane, W.C.
1880, Mar. 1	WALKER, LEON VICTOR	5, Chancery Lane, W.C.
1882, Feb. 13	WATERS, WILLIAM RICHARD	349, Camden Road, N.
1881, Dec. 19	WEBB, JONAS MARSHALL	27, Market Place, Cambridge.
1876, Nov. 27	*WEBSTER, RICHARD EVERARD, Q.C.,	2, Pump Court, Temple, E.C.
1871, Feb. 13	WHITE, FREDERICK MEADOWS, Q.C.,	4, Paper Buildings, Temple, E.C. (Associate of Council)
1873, Jan. 27	WHITE, THOMAS JENNINGS	8, Whitehall Place, S.W.
1876, Dec. 13	WILL, JOHN SHIRESS	3, Pump Court, Temple, E.C.
1875, Jan. 18	WILLIAMS, LEONARD JAMES	6, Furnival's Inn, E.C.
1880, Jan. 19	WILLIAMS, WILLIAM HERBERT	Llandaff, Glamorganshire.
1876, Apr. 3	WILLIAMS, WILLIAM WELSEY	Farnham, Surrey.
1882, Apr. 24	WILLMOT, JOHN	6, Waterloo Street, Birmingham.
1875, May 15	WINCKWORTH, LEWIS	31, Abingdon Street, Westminster, S.W.
1870, Jan. 10	WING, THOMAS TWINING	17, Woburn Square, W.C.
1879, Mar. 17	WOOD, HENRY	97, Gresham Street, E.C.
1882, Jan. 16	WOODWARD, WILLIAM	13, Granville Square, W.C.
1881, Dec. 19	WREATHALL, ROBERT T. . . .	30, Walbrook, E.C.
1880, Dec. 13	WRIGHT, THOMAS HAWKINS. . . .	Grendon Hall, Northampton.
1876, Apr. 24	WYATT, ROBERT	Fir Hill, Godalming, Surrey.
1881, Jan. 10	YOUNG, ANDREW	5, Bell Yard, Temple Bar, E.C.
1878, Dec. 9	YOUNG, MORGAN HENRY	6, John Street, Bedford Row, W.C.

Date of Admission.

Students.

1881, Jan. 24	BEDELLS, CHARLES HERBERT	Toft Lawn, Hornsey Lane, N.
1882, Feb. 13	¶BONTOR, FRANK ARTHUR	5, Lancaster Place, W.C.
1882, Feb. 13	¶BOUSFIELD, EDWIN VAUGHAN DAVENPORT	{ 13, Emperor's Gate, South Kensington, S.W.
1882, Feb. 13	¶BOUSFIELD, WILLIAM GLAD- STONE RICHINGS	{ 13, Emperor's Gate, South Kensington, S.W.

<i>Date of Admission.</i>	STUDENTS.	
1882, Feb. 13	¶ BRYANS, JOHN GEORGE . . .	28, South Street, Sunderland.
1882, Feb. 13	¶ BRYMER, ARTHUR . . .	29, Great George Street, S.W.
1882, Feb. 13	¶ CLARKE, STANLEY . . .	132, Westbourne Terrace, Hyde Park, W.
1881, Feb. 7	¶ CRAWTER, JOHN, JUN. . .	New Road, Chippenham, Wilts.
1882, Feb. 13	¶ CROSS, WILLIAM THOMAS ALFRED	53, Charing Cross, S.W.
1882, Feb. 13	¶ DAY, WILLIAM . . .	6, Ashford Road, Maidstone, Kent.
1882, Feb. 13	¶ DREW, HENRY ALBAN . . .	Peamore, near Exeter.
1881, Feb. 7	¶ DURLACHER, ALEXANDER PERCY	29, Great George Street, S.W.
1882, Feb. 13	¶ GREY, RALPH GEOFFREY . .	55, Parliament Street, S.W.
1882, Feb. 13	¶ HASLUCK, LANCELOT GERALD .	Green Hill Park, New Barnet, Herts.
1882, Mar. 13	JONES, HENRY ARTHUR . . .	53, Maida Vale, W.
1882, Feb. 13	¶ LANSDOWN, GEORGE ARTHUR .	Grasdene, Spencer Hill, Wimbledon, Surrey.
1882, Feb. 13	¶ MOORE, HAROLD EDWARD . .	6, Hazelville Road, Hornsey Lane, N.
1882, Feb. 13	¶ MOYES, JOHN HELENUS . . .	St. Mary Street, Ely, Cambridgeshire.
1881, Feb. 7	¶ PAULL, ALAN . . .	Kendrick Villa, Rainhill, near Prescott, Lancashire.
1882, Feb. 13	¶ ROLLESTON, WILLIAM GUSTAVUS } STANHOPE. }	Scraptoft, Leicester.
1882, Feb. 13	¶ RUNDLE, EDWARD COLLINS . .	{ Polsue House, Philleigh, Grampound Road, Cornwall.
1881, Dec. 5	SATCHELL, CHARLES . . .	Madeira Place, Newbury, Berks.
1881, Feb. 7	¶ SQUAREY, ROBERT CHARLES .	The Moot, Downton, Salisbury, Wilts.
1881, Feb. 7	¶ WARING, CHARLES EDWARD . .	St. John's Square, Cardiff.
1880, Jan. 5	WATNEY, WALTER DANIEL . . .	9, Whitehall Place, S.W.
1882, Feb. 13	¶ WELCH, FREDERICK WILLIAM .	15, Hollywood Road, South Kensington, S.W.

¶ Passed Preliminary Examination, 1881.

¶ Passed Preliminary Examination, 1882.

It is particularly requested that any changes of address be communicated at once to the Secretary.

CHARTER
OF
THE SURVEYORS' INSTITUTION.

FOUNDED, JUNE 15TH, 1868.

INCORPORATED BY ROYAL CHARTER, AUGUST 26TH, 1881.

Victoria by the Grace of God of the United
Kingdom of Great Britain and Ireland Queen
Defender of the Faith

To all to whom these Presents shall come greeting :

WHEREAS an Humble Petition has been presented to Us in Our Council by EDWARD RYDE of 29 Great George Street in the City of Westminster Surveyor JOHN CLUTTON of 9 Whitehall Place in the said City Surveyor EDWARD NORTON CLIFTON of 7 East India Avenue in the City of London Surveyor THOMAS HUSKINSON of Epperstone in the County of Nottingham Surveyor WILLIAM STURGE of the City and County of Bristol Surveyor and JOHN WORNHAM PENFOLD of 29 Great George Street in the City of Westminster Surveyor setting forth to the effect following :

That the Petitioner EDWARD RYDE is the President and the Petitioners JOHN CLUTTON EDWARD NORTON CLIFTON THOMAS HUSKINSON and WILLIAM STURGE are Past Presidents and JOHN WORNHAM PENFOLD is the Honorary Secretary of a Society established in Westminster in 1868 called The Institution of Surveyors.

That the Institution of Surveyors was established for the objects following—that is to say :

- (A) To secure the advancement and facilitate the acquisition of that knowledge which constitutes the profession of a Surveyor namely the art of determining the value of all descriptions of landed and house property and of the various interests therein the practice of managing and developing estates and the science of ad-measuring and delineating the physical features of the earth.
- (B) To promote the general interests of the Profession and to maintain and extend its usefulness for the public advantage.

That the profession of Surveyors is one requiring a wide and varied training in respect of the frequent employment of its members in the quasi-judicial capacity of Umpires and Arbitrators under the Lands Clauses Acts and other Acts of Parliament and in the several capacities of expert Witnesses Valuers Advisers in matters relating to the purchase and sale of lands and houses and other property and Managers of Landed Estates in all parts of the United Kingdom.

That the Institution of Surveyors comprises among its Members most of the leading Land Agents and Surveyors Surveyors and Valuers and Building Surveyors in the United Kingdom and has also a class of Honorary Members including among others His Grace the DUKE OF BEDFORD the Right Honourable the Speaker of the House of Commons Our Commissioners of Woods Forests and Land Revenues Our Copyhold Inclosure and Tithe Commissioners and the President and Past President of the Société des Géomètres of France and has also a large class of Associates among whom are many of Our Counsel learned in the Law as well as numerous representatives of other callings cognate to the professional pursuits of Surveyors.

That the representative character of the Institution of Surveyors and the position which its members occupy in relation to public interests in London have already been specifically recognized by the Legislature by the provision in the Metropolitan Management and Building Acts Amendment Act 1878 which enacts to the effect (amongst other things) that Bye-laws made under that Act by the Metropolitan Board of Works shall not be confirmed by one of Our Principal Secretaries of State until two months after copies thereof and of notice of the intention to apply for confirmation thereof have been delivered at the Office of the Institution of Surveyors.

That the Members of the Institution of Surveyors do not and cannot under its bye-laws and constitution derive any pecuniary benefit from their membership.

That the Institution of Surveyors aims at improving the status of Surveyors regulating and shaping the customs and usages of Surveyors providing means of professional training and securing the interchange and dissemination of practical information and thereby the better discharge of duties affecting interests of great public importance.

That the Institution of Surveyors has charged itself with important educational functions by establishing a system of preliminary and proficiency examinations for students and a test examination for young Surveyors desirous of qualifying themselves as members and by providing scholarships and prizes for the promotion and encouragement of these objects.

That it has been the practice of the Institution of Surveyors for some years past to send delegates to the Annual Congresses of expert Surveyors held on the Continent of Europe and also to communicate with foreign bodies established for purposes similar or analogous to those of the Institution which bodies are in many cases recognized by

the Governments of the countries in which they exist as State Institutions.

That the Petitioners are advised and believe that the incorporation of the members of the Institution of Surveyors under Our Royal Charter would tend greatly to the attainment of the objects which it has in view and would be fruitful of public advantage by enabling the Institution to take more effective measures for securing the adequate training of Surveyors in the duties of their calling and by according to the Institution a position by means of which it will be better able to exercise an influence towards maintaining a high standard of rectitude among the members of the profession.

AND WHEREAS by the said Petition the Petitioners on behalf of themselves and the other members of the said Institution of Surveyors most humbly prayed that We would be graciously pleased to grant Our Royal Charter for incorporating the Petitioners and others under the title of The Surveyors' Institution or such other title as to Us might seem fit and with all such powers and privileges as to Us might seem fit.

NOW THEREFORE We having taken the said Petition into Our Royal consideration in Our Council and being satisfied that the intentions of the Petitioners are laudable and deserving of encouragement have constituted erected and incorporated and We by Our Prerogative Royal and of Our especial Grace certain knowledge and mere motion by these Presents for Us and Our Royal Successors do constitute erect and incorporate into one body politic and corporate by the name of THE SURVEYORS' INSTITUTION the said EDWARD RYDE JOHN CLUTTON EDWARD NORTON CLIFTON THOMAS HUSKINSON WILLIAM STURGE and JOHN WORNHAM PENFOLD and such other persons as are by this Our Charter made or declared to be

members or as shall hereafter be admitted as members of that body corporate with perpetual succession and a common seal and with power to alter and renew the same at discretion and with capacity by that name to sue and be sued and to take and hold any personal property and notwithstanding the statutes of mortmain from time to time to purchase acquire take and hold in perpetuity or for any term or estate any messuages lands and hereditaments the yearly value of which shall not exceed in the whole at one time Three thousand pounds at the rack rent which might have been had for the same at the time of purchase or acquisition with power from time to time to sell grant lease exchange mortgage and dispose of the same but so that the body corporate aforesaid shall apply its profits (if any) or other income in promoting its objects and shall not at any time pay any dividend to its members or any of them.

AND WE do will ordain and declare as follows (that is is to say):

PRELIMINARY.

1. In this our Charter—

The Institution of 1868 means the said Institution of Surveyors established in Westminster in 1868.

The Institution means the Surveyors' Institution incorporated by this Our Charter.

The Council means the Council for the time being of the Institution.

General Meeting means a General Meeting of the Members of the Institution.

Bye-laws means Bye-laws of the Institution made under this Our Charter.

Commencement of the Bye-laws means the time

when the first Bye-laws made under this
Our Charter come into operation.
Month means calendar month.

THE COUNCIL.

2. There shall be a Council of the Institution.
3. The first members of the Council shall be the following (namely) :—

WILLIAM JAMES BEADEL
 THOMAS BINNIE
 VIRGOE BUCKLAND
 HENRY JAMES CASTLE, SENIOR
 THOMAS CHATFEILD CLARKE
 EDWARD NORTON CLIFTON
 JOHN CLUTTON
 ROBERT COLLIER DRIVER
 WILLIAM FOWLER
 RICHARD BOXALL GRANTHAM (Associate)
 THOMAS HUSKINSON
 EDWARD I'ANSON
 JAMES MARTIN
 EDWARD RYDE
 WILLIAM SCARTH
 CHARLES JOHN SHOPPEE
 ELIAS PITTS SQUAREY
 CHARLES STEPHENSON
 WILLIAM STURGE
 FRANCIS VIGERS
 DANIEL WATNEY
 FREDERICK MEADOWS WHITE Q.C. (Associate)
 THOMAS SMITH WOOLLEY

4. The first meeting of the Council shall be held at No. 12 Great George Street in the City of Westminster at noon on the second Monday after the date of this Our Charter.

5. The first members of the Council shall hold office until members of the Council are elected under Bye-laws.

6. Bye-laws shall prescribe the number and qualification of members of the Council and the mode of nomination of candidates for election to the Council and the times of and any other matters relating to the elections including the first election and the mode of filling casual vacancies in the Council.

7. Bye-laws shall regulate the meetings of the Council and prescribe the number of members of the Council required to be present and acting thereat and regulate the proceedings thereat and the adjournment thereof and the appointment of committees and any other matters connected with the exercise and discharge of the powers and duties of the Council.

8. Any act or proceeding of the Council shall not be invalidated by any vacancy in the Council provided the number of members of the Council be not reduced below one-half of the full number prescribed by Bye-laws.

9. The Council shall have the management and superintendence of the affairs of the Institution and shall appoint and may remove and shall determine the duties salaries and remuneration of the Secretary Solicitors Bankers Clerks Agents and other officers and servants of the Institution and shall determine the securities if any to be taken from any of them and may make such arrangements and enter into such agreements with them as the Council think fit.

10. The Council may apply the funds of the Institution in acquiring extending and improving a Library for the Institution and in the acquisition renting or erection and fitting up of a Hall and other suitable buildings for the use

of the members of the Institution and for other purposes connected with the profession of Surveyors and in the purchase or renting of a site or sites for a Library Hall and other suitable buildings as aforesaid and in paying the salaries of librarians custodians and other officers and servants for any purposes of the Institution and in otherwise promoting the objects of the Institution.

11. The Council may at meetings at which (subject to any provision in Bye-laws) three Members at least of the Council are present and acting exercise all powers of the Institution except as regards such matters as are by this Our Charter or by Bye-laws required to be transacted by or at a General Meeting.

12. The exercise of all powers exercisable by the Council shall be subject to the control of General Meetings but so that any act done by the Council before any resolution of a General Meeting shall not be invalidated by any such resolution.

13. Subject to the express provisions of this Our Charter until the commencement of the Bye-laws the affairs of the Institution and the meetings and proceedings of the Institution and of the Council shall be managed conducted and regulated according to and by the Bye-laws and Regulations of the Institution of 1868 as if that Institution and the Council thereof were the Institution and the Council thereof.

PRESIDENT AND VICE-PRESIDENTS.

14. There shall be a President and Vice-Presidents of the Institution and of the Council.

15. The first President shall be EDWARD RYDE. The first Vice-Presidents shall be THOMAS SMITH WOOLLEY EDWARD L'ANSON WILLIAM JAMES BEADEL and ELIAS PITTS SQUAREY.

16. A vacancy in the office of the first President or of any of the first Vice-Presidents shall be filled by the Council.

17. The first President and Vice-Presidents or their respective successors as aforesaid shall hold office until a President and Vice-Presidents respectively are elected or appointed under Bye-laws.

18. The President and every Vice-President shall always be elected or appointed from among the Fellows.

19. Subject to any express provision in this Our Charter Bye-laws shall prescribe the qualification of the President and the number and qualification of the Vice-Presidents and the mode of election or appointment of the President and of the Vice-Presidents and their respective tenure of office.

CLASSES OF MEMBERS; STUDENTS.

20. The professional members of the Institution shall be of two classes (namely) :

- (1) Fellows.
- (2) Professional Associates.

And there shall be two other classes of members of the Institution (namely) :

- (3) Honorary Members.
- (4) Associates.

And there shall be—

- (5) A class of Students attached to but not members of the Institution.

STUDENTS.

21. All persons who at the date of this Our Charter are attached to the Institution of 1868 as Students shall under

and by virtue of this Our Charter become and be Students attached to the Institution.

22. Other persons who from time to time desire to become Students shall be required to pass an examination as well as to comply with such other conditions (if any) as Bye-laws prescribe.

23. All Students who from time to time desire to become Professional Associates shall be required to pass another examination as well as to comply with such other conditions (if any) as Bye-laws prescribe.

PROFESSIONAL ASSOCIATES.

24. All persons who at the date of this Our Charter are Associates of the Institution of 1868 and are Surveyors by profession shall under and by virtue of this Our Charter become and be Professional Associates of the Institution.

25. During the first three years from the date of this Our Charter there shall be eligible as Professional Associates persons of such classes and on such conditions as Bye-laws prescribe.

26. After the end of three years from the date of this Our Charter every person who from time to time desires to become a Professional Associate shall whether he is a Student or not be required to pass an examination as well as to comply with such other conditions (if any) as Bye-laws prescribe.

FELLOWS.

27. All persons who at the date of this Our Charter are members of the Institution of 1868 shall under and by virtue of this our Charter become and be Fellows of the Institution.

28. During the first ten years from the date of this Our Charter there shall be eligible as Fellows persons of such classes and on such conditions as Bye-laws prescribe.

29. After the end of ten years from the date of this Our Charter every person who from time to time desires to become a Fellow shall whether he is a Professional Associate or not be required to pass an examination as well as to comply with such other conditions (if any) as Bye-laws prescribe subject nevertheless to an examination being exceptionally dispensed with in such cases on such conditions and in such manner as Bye-laws prescribe.

HONORARY MEMBERS.

30. All persons who at the date of this Our Charter are Honorary Members of the Institution of 1868 shall under and by virtue of this Our Charter become and be Honorary Members of the Institution.

31. Every other person from time to time who by reason either of his position or of his eminence in science and his experience appears to the Council to be able to render assistance in promoting the objects of the Institution but who is not engaged in practice as a Surveyor in any part of Our United Kingdom shall be eligible as an Honorary Member.

ASSOCIATES.

32. All persons who at the date of this Our Charter are Associates of the Institution of 1868 and are not Surveyors by profession shall under and by virtue of this Our Charter become and be Associates of the Institution.

33. Every other person from time to time who is not a Surveyor by profession but is engaged in such pursuits as in

the opinion of the Council qualify him to assist the Institution in the advancement of knowledge useful to the profession of Surveyor shall be eligible as an Associate.

EXAMINATIONS.

34. Examinations required by or under this Our Charter shall be held and passed at such times in such manner and subject to such conditions as Bye-laws prescribe.

AGE.

35. Notwithstanding anything in this Our Charter ;

- (1) A Student shall not continue attached to the Institution for more than six months after he has attained the age of twenty-one years ;
- (2) A person who has not attained the age of twenty-one years shall not become by virtue of this Our Charter or be at any time eligible as a Professional Associate Honorary Member or Associate ;
- (3) A person who has not attained the age of twenty-five years shall not become by virtue of this Our Charter or be at any time eligible as a Fellow.

DECISION OF COUNCIL ON QUALIFICATIONS.

36. The Council shall have power to decide conclusively respecting each person proposed for admission as a Fellow Professional Associate Honorary Member or Associate whether he has or has not fulfilled such conditions as are applicable in his case.

CERTIFICATES OF MEMBERSHIP ; SUBSCRIPTIONS.

37. Notwithstanding anything in this Our Charter a person shall not by virtue thereof become or be or be entitled to become or be a member (other than an Honorary Member) of the Institution before the commencement of the Bye-laws unless and until he pays the following sum as his first subscription to the Institution (namely) in the case of a member of the Institution of 1868 becoming a Fellow of the Institution the sum of three guineas and in the case of an Associate of the Institution of 1868 becoming a Professional Associate or an Associate of the Institution the sum of two guineas and in the case of any other person becoming a Fellow of the Institution the sum of eight guineas and in the case of any other person becoming a Professional Associate or an Associate of the Institution the sum of five guineas and each of them on so paying shall be entitled to a certificate of membership of the Institution which shall be in force until the commencement of the Bye-laws or until such later time (if any) as Bye-laws prescribe.

38. Every Fellow or Professional Associate shall so long as he continues to practise as a Surveyor obtain from the Council in every calendar year a renewal of his certificate of membership at such time on such conditions and on payment of such subscriptions or other sum as Bye-laws prescribe.

RIGHTS OF MEMBERS.

39. A Fellow may use after his name the initials F.S.I. and a Professional Associate may use after his name the initials P.A.S.I.

40. All members of the Institution shall subject to any restriction in Bye-laws be entitled to be present and vote at

General Meetings and take part in the discussion of business thereat.

CESSER OF MEMBERSHIP.

41. If any person ceases for any cause whatever to be a member of the Institution he shall not nor shall his representatives have any interest in or claim against the funds or property of the Institution and he shall on demand deliver back to the Council his certificate of membership.

BYE LAWS.

42. The Institution from time to time may by resolution of a General Meeting confirmed at a subsequent General Meeting held not less than seven and not more than twenty-eight days after the former meeting make such Bye-laws as to the Institution seem fit and vary any Bye-laws and rescind any Bye-laws and make others in their stead but so that the Bye-laws for the time being be not in any respect repugnant to the law of England or inconsistent with any express provision of this Our Charter.

43. The Council shall within ten months from the date of this our Charter prepare draft Bye-laws and shall send to each member of the Institution a printed copy thereof inviting him to offer observations thereon within a time to be limited by the Council and the Council shall take into consideration all observations so offered and shall finally settle the draft Bye-laws and shall send to each member of the Institution the draft Bye-laws as so finally settled and shall call a General Meeting for the consideration and adoption of Bye-laws to be held on a day not less than one month and not more than three months after the expiration of twelve months from the date of this Our Charter and not less than fourteen days notice of the time and place of

meeting shall be given to the members of the Institution by the Council and the meeting so called shall be the first General Meeting for the purposes of this Our Charter and all other purposes and the Chairman of that meeting shall be the President of the Institution or in his absence one of the Vice-Presidents of the Institution or in the absence of all the Vice-Presidents a member of the Council chosen by the meeting or in the absence of all the members of the Council a member of the Institution chosen by the meeting but any want of or irregularity in the sending of any such draft Bye-laws or in the giving of any such notice shall not affect the validity of the Bye-laws.

44. The purposes for which the Institution may in manner aforesaid from time to time make Bye-laws in addition to any purpose in any other provision of this Our Charter indicated include the following (namely):

For regulating the mode of election and admission of members of the Institution and of admission of Students;

For regulating the amount and times of payment of entrance fees and other fees and subscriptions or other sums to be paid by Fellows Professional Associates Associates and Students;

For regulating the mode time and place of summoning and holding annual and other General Meetings and special meetings of the Institution and the mode of voting thereat whether in person or by proxy or by ballot or by voting papers or otherwise and the conduct of proceedings thereat;

For defining and regulating the privileges and benefits of the several classes of members of the Institution and of Students;

For prescribing the cases conditions and manner in and on which a member of the Institution or a

Student may be excluded or suspended from membership or studentship ;

For regulating the appointment of Trustees and their powers and duties and the disposal of the moneys and property of the Institution ;

For regulating the appointment election rotation retirement and remuneration of a Treasurer or Treasurers and of an Auditor or Auditors ;

And generally such Bye-laws as from time to time seem to the Institution requisite for the better execution of this Our Charter and the furtherance of the objects of the Institution.

45. Bye-laws made by the Institution shall not commence or have effect until they have been submitted to and allowed by the Lords of Our Council.

46. The Council of the Institution shall cause all Bye-laws when so allowed to be printed with the form of allowance and to be published with that form in the London Gazette and the Edinburgh Gazette and the Dublin Gazette.

In witness whereof, &c.,



